UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/2001/NGO/20
16 January 2001

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Fifty-seventh session
Item 14(d) of the provisional agenda

SPECIFIC GROUPS AND INDIVIDUALS: OTHER VULNERABLE GROUPS AND INDIVIDUALS

Written statement*/ submitted by North-South XXI, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[22 December 2000]

*/ This written statement is issued, unedited, as received from the submitting non-governmental organization(s).

GE. *200'0'0273*

ENG

Groups and individuals: Other vulnerable groups and individuals

Lebanon

1. After twenty-two years of illegally occupying approximately 10 per cent of Lebanese territory, Israel has withdrawn its forces from most of southern Lebanon. However, scattered throughout the hundreds of towns and villages that comprised the occupied land are thousands and thousands of landmines. United Nations experts believe that there are at least 130,000 mines, booby traps and unexploded ordnance scattered on the hills of southern Lebanon. The exact location of most of these hidden weapons remains unknown. They include anti-personnel mines, anti-tank mines, booby traps, roadside bombs and unexploded ordnance.

2. The presence of landmines and unexploded weaponry threatening civilians throughout Lebanon today is largely the result of the 1975-1990 civil war and the Israeli occupation of the southern part of the country, although some of the mine fields date back to the French Mandate and World War II. The vast majority of the estimated 130,000 mines were, however, laid by Israeli forces in the last two decades. It has recently been revealed that those forces laid mines on top of the old mine fields. Israeli-planted landmines are not confined to the areas previously occupied. The Israeli Defense Force (IDF) sent patrols through United Nations peace-keeping lines to plant booby-traps close to the Litani River, an area consisting in part of arable land and farmland.

3. Around every artillery position or military outpost previously occupied by the Israeli IDF or SLA lie acres of ordnance waiting to explode. The problem of unexploded ordnance alone poses a grave threat to local populations, particularly in the south where artillery and other ordnance rained on villages for two decades. This problem is also not confined to the south. In the Bekaa Valley, the Lebanese Army estimates that approximately eleven tons of mines and unexploded ordnance are scattered in a seventy square kilometer area inhabited by 20,000 people. That area, much of which is farmland, is highly contaminated with cluster bombs.

4. Civilians are being killed and injured, and increasingly so, as they return to the liberated areas to reclaim their homes. Many of the victims are children. In the six months following the withdrawal of Israeli forces from Lebanon, at least 11 civilians were killed and 56 injured from landmines in the south. The social impact of this threat is devastating. Farmland can not be used safely, and convincing villagers of the danger and keeping them off farmland is a tremendous challenge. In a country as small as Lebanon, the civilian dependence on farmland for subsistence is critical.

5. The clearing of mines and unexploded ordnance is a large and urgent task. While UNIFIL peacekeeping troops are currently charged with the task, their mandate is restricted to clearing the areas in which UNIFIL operates. Specifically, their priority is to clear roads leading to UNIFIL positions along the border, in order for their troops to operate safely. Although they do respond to civilian needs whenever possible, the priority is not to make the land safe for civilians in general. Demining for civilian safety and civilian land use is a task left largely up to the Lebanese Army. The Lebanese Army has neither the technical ability nor the resources to manage the

problem. Experts who have observed the procedures of the Lebanese Army conclude that their demining procedures are not always conducted in accordance with international standards for humanitarian mine clearance. This has resulted in a high rate of deminer casualties. An additional obstacle to effective demining and neutralizing of ordnance is the fact that those engaged in the effort do not possess necessary information about the weaponry. Some of this information is classified by the governments that sell the ordnance or mines, including the United States.

6. UNIFIL officials state openly that the international assistance to Lebanon is not enough, and that an additional battalion should be requested to assist in the effort. According to UNIFIL officials, at the current rate of clearance, it will take approximately 37 years to clear Lebanese land of mines. In Bosnian, for example, which is the greatest recipient of international demining assistance, only a few kilometers can be cleared a year because mine clearance is an expensive and arduous task. The international assistance to Lebanon is minimal by comparison. The terrain of Lebanon presents a particularly difficult challenge to clearing mines. The rocky mountainous terrain hampers clearance efforts and increases the costs of demining. Many minefields are unmarked and unknown minefields are still suspected to exist. To date even known minefields have not been fenced off to prevent civilians from further injury. Returning civilians are unaware of the threat and the location of dangerous areas. This problem is complicating the return of displaced people and hindering long-term reconstruction and socio-economic development in those areas.

7. While the Israeli Defense Force provided UNIFIL with maps of some of the mines, the majority remain unmarked. The process of verifying the accuracy of the maps is a lengthy one. Moreover, there are many conflicting reports about the cooperation of Israel in the removal of these mines. Recent press reports indicate that Israel has turned over faulty maps to the United Nations with regard to the location of mines. Other reports indicate that while the maps indicate minefields, they do not contain information about the actual number or location of the mines within the fields. Additionally, press reports indicate that Israel is attempting to swap landmine location maps for prisoners. The compelling of Israel's cooperation in this effort is imperative for humanitarian reasons.

Our Recommendations to the Commission:

8. We request that the Commission recognize and treat the situation of landmines and unexploded ordnance in Lebanon as a humanitarian crisis;

9. We request that the Commission pressure Israel to cooperate in the effort. Specifically, that the Commission to compel Israel, in whatever ways possible, to produce complete and precise information regarding the location, numbers and types of mines it planted in Lebanon;

10. We request that the Commission pressure the United States as well other countries that have supplied the weaponry now threatening the civilian population to provide specific technical assistance to Lebanon with regard to render-safe procedures for their weaponry;

11. We request that the Commission encourage the relevant branches of the United Nations to commit more resources and technical assistance to the overall demining effort, not merely for the safety of the operation of its troops in Lebanon, but for the safety of civilians and their use of the land.

UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL
E/CN.4/2001/NGO/21
16 January 2001

Original: ENGLISH, FRENCH
AND SPANISH

COMMISSION ON HUMAN RIGHTS
Fifty-seventh session
Item 18(c) of the provisional agenda

EFFECTIVE FUNCTIONING OF HUMAN RIGHTS MECHANISMS: ADAPTATION AND STRENGTHENING OF THE UNITED NATIONS MACHINERY FOR HUMAN RIGHTS

Joint written statement*/ submitted by Amnesty International, the Association for the Prevention of Torture, the Friends World Committee for Consultation (Quakers), Human Rights Watch, the International Commission of Jurists, the International Federation of ACAT (Action of Christians for the Abolition of Torture) and the International Federation of Human Rights Leagues, non-governmental organizations in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[20 December 2000]

---

*/ This written statement is issued, unedited, as received in English, French and Spanish from the submitting non-governmental organization(s).

GE. *200-0198*

ENG

Standing Invitations to Thematic Human Rights Mechanisms

The above-named non-governmental organisations welcome the decision of the governments of Norway, Canada, Iceland and the Czech Republic to extend standing invitations to all the thematic mechanisms of the UN Commission on Human Rights to visit their country. In this way, they have demonstrated their willingness to cooperate with these mechanisms and their commitment to the promotion and protection of human rights through the United Nations system. We urge other governments also to issue such standing invitations.

Background:
Since the 1980s, the UN Commission on Human Rights has established a number of thematic human rights mechanisms, known generically as the "Special Procedures". These consist of Special Rapporteurs, Special Representatives, Working Groups and Independent Experts who are charged with considering a specific human rights issue in relation to all countries in the world. As part of their work, the Special Procedures visit countries in order to examine at first hand the situation in relation to the issue in their mandate, and report to the Commission on these visits.

In order to undertake a country visit, the individual thematic mechanism has to be invited by the State concerned. At present, the process is almost always initiated by the Special Procedures themselves approaching the State expressing the wish to visit and asking for the necessary invitation. Some States respond promptly to such requests, some respond eventually and some fail to respond. This also means that resources are used in soliciting invitations rather than on the implementation of the mandates.

Since all the Special Procedures are established by resolution of the Commission on Human Rights in which all the Member States of the UN can participate and since country missions are part of the established methods, States should do their best to facilitate such visits.

A simple and effective way of doing this, is for States to issue a Standing Invitation to visit their country to all the thematic Special Procedures of the Commission. This would:

1. demonstrate their commitment to co-operation with these procedures;
2. enhance the efficiency of the process by reducing delays and decreasing the administrative burdens on all parties;
3. de-politicise the process of country visits by shifting the focus away from the question of access to questions of substance;
4. enable the procedures (individually and corporately) to plan and prioritise visits more effectively, knowing that the invitation to visit already exists and remains open.

Practicalities:

1. A State could announce its decision to extend a Standing Invitation to the Special Procedures at the Commission on Human Rights. The wording used by Norway was: *"Norway would also like to extend an open invitation to all Special Rapporteurs and other mechanisms under this Commission to visit us at any time."*[1] or
2. A State could deposit the standing invitation with the High Commissioner for Human Rights. A simple statement to this effect, lodged with the High Commissioner, would be sufficient.

---

[1] Hilde F Johnson, Minister for International Development and Human Rights of Norway, 26 March 1999

A request that the statement be circulated as a document of the Commission on Human Rights would ensure that the invitation was brought to the attention of other states and non-governmental organisations.

3. The Office of the High Commissioner for Human Rights would establish and maintain a list of such invitations, circulate it to the Special Procedures and their staff in the office.
4. The Special Procedure wishing to take up such an invitation would contact the government to inform them of the intention to visit and to arrange the timing, and other aspects of the visit as at present.

Commentary:

In practice, for those States who accept visits from Special Procedures already, there would be no substantive difference. Since Norway and Canada issued their open invitations at the 55th session of the Commission, they have not in fact been visited by any of the Special Procedures. Indeed, there may be less pressure to seek visits precisely because they can be undertaken at any time, and because of the demonstrated openness to visits.

Since the Special Procedures would still be undertaking visits only at the invitation of the Governments, albeit a standing invitation, it does not infringe State sovereignty in any way. At the same time, as a growing number of States issue such invitations, it would facilitate the work of the Special Procedures and demonstrate the good faith of States in accepting their obligation to co-operate effectively with the mechanisms which they themselves have created through the Commission on Human Rights.

Recommendations:

The above named non-governmental organisations call on the Commission on Human Rights to adopt a resolution:

1. Urging all states which have not yet done so to issue standing invitations for country visits to all thematic human rights mechanisms of the UN Commission on Human Rights; and
2. Requesting the Office of the UN High Commissioner for Human Rights to draw this possibility to the attention of states, to establish a list of states which have issued such standing invitations and to circulate it regularly to the Special Procedures and their staff in the OHCHR, and to submit the list annually to the Commission as well as placing it on the website of the Office.

UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL
E/CN.4/2001/NGO/22
16 January 2001

Original: ENGLISH AND
FRENCH

COMMISSION ON HUMAN RIGHTS
Fifty-seventh session
Item 13 of the provisional agenda

RIGHTS OF THE CHILD

Written statement*/ submitted by Friends World Committee for Consultation (Quakers), a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[4 January 2001]

*/ This written statement is issued, unedited, as received in English and French from the submitting non-governmental organization(s).

GE. *200101889*

ENG

Child Soldiers

Friends World Committee for Consultation (Quakers) is submitting this written statement on behalf of the Coalition to Stop the Use of Child Soldiers, the members of whose Steering Committee are: Amnesty International, Defence for Children International, Human Rights Watch, International Federation Terre des Hommes, Jesuit Refugee Service, Quaker United Nations Office Geneva, Rädda Barnen (Swedish Save the Children on behalf of the Save the Children Alliance) and World Vision International, as well as regional non-governmental organisations from Africa, Latin America and Asia, and the NGO Sub-Group on Refugee Children and Children in Armed Conflict (one of the Sub-Groups of the NGO Group for the Convention on the Rights of the Child).

The Coalition to Stop the Use of Child Soldiers welcomes the important steps taken during 2000 in relation to the prohibition of the use of children as soldiers, in particular

(i) the adoption by the UN General Assembly by consensus (25 May 2000) of the Optional Protocol to the Convention on the Rights of the Child on involvement of children in armed conflict;

(ii) the entry into force (19 November 2000) of the ILO Worst Forms of Child Labour Convention (No. 182);

(iii) the increasing number of states who have signed and ratified the Rome Statute for the International Criminal Court and the African Charter on the Rights and Welfare of the Child.

Once in force, the Optional Protocol to the Convention on the Rights of the Child will strengthen the protection of children's right by raising from 15 to 18 years the minimum age for direct participation in hostilities, for compulsory recruitment, and for any recruitment or use in hostilities by non-governmental armed groups.

By December 2000, 74 states had signed and 3 had ratified this Protocol, which will enter into force once 10 states have become parties to it. The Coalition urges all states not only to sign and ratify (without reservations), and to implement the Protocol in their national law and practice but also to set a minimum age of at least 18 years for voluntary recruitment into their own armed forces, and to state this in the Declarations required under Article 3 of the Protocol. In his report to the Security Council[1] of 19 July 2000, the UN Secretary-General, Kofi Annan, called upon all Member States to ratify the Protocol and to deposit binding declarations with 18 as the minimum age for voluntary recruitment into national armed forces. We welcome the fact that Sri Lanka has done this.

The Coalition to Stop the Use of Child Soldiers opposes any recruitment of under-18s not only as a matter of principle but also because of the difficulty of ensuring that under-18s who are members of the armed forces do not in practice participate in hostilities. In the negotiations on the text of the Optional Protocol, those states who wished to continue recruiting under-18s, also insisted that they could not accept an absolute prohibition on participation but only an obligation that they would take "all feasible measures" to prevent under-18s in their armed forces from direct participation in hostilities. Even this standard has to be viewed in the light of the

[1] UN document A/55/163 – S/2000/712

declaration made by the government of the United Kingdom on signature of the Protocol, which sets out the circumstances in which they anticipate they *would* deploy under-18s in their armed forces to take a direct part in hostilities. The UK's declaration – and its interpretation of Article 1 of a Protocol whose object and purpose includes preventing any person under the age of 18 from participating directly in hostilities - must be strongly opposed in itself. However, it also illustrates the importance of not including any under-18s in government armed forces under any pretext.

The Coalition to Stop the Use of Child Soldiers calls on all governments and armed groups who currently recruit under-18s to stop doing so and to demobilise or otherwise release into safety any under-18s in their ranks. In particular, governments and others with influence are urged to use it to ensure that those armed groups who have made commitments not to recruit children and to demobilise those in their ranks do fulfil them, and to ensure that all demobilised children – boys and girls - are given access to appropriate rehabilitation and reintegration processes.

We are disturbed to discover that the optional protocol was changed after it was adopted by the fifty-sixth session of the Commission on Human Rights, so that the text presented to the General Assembly omitted the words "in years" from the requirement in Article 3 concerning raising the age of voluntary recruitment into government armed forces. These words were added by consensus during the final session of the Commission Working Group in order to make clear that the obligation was to lift the 15-year minimum age of voluntary recruitment in Article 38(3) of the Convention on the Rights of the Child by one or more years, and not merely by months. Despite representations to the United Nations Secretariat in New York this has not yet been corrected. It is unacceptable that the text as drafted and adopted by governments should be unilaterally changed by the UN Secretariat, and that several months later the Secretariat has failed to rectify the text.

We welcome the fact that, following its thematic discussion day on "State Violence against Children" (22 September 2000), the Committee on the Rights of the Child has recommended, *inter alia*, that States parties to the Convention on the Rights of the Child review any special legislation applying to children under 18 years in their armed forces to ensure that it reflects appropriately the provisions of the Convention, the UN Standard Minimum Rules for the Administration of Juvenile Justice and the UN Rules for the Protection of Juveniles deprived of their Liberty, and other applicable standards. We urge all states who currently have under-18s in their armed forces to undertake such a review as a matter of urgency.

The Rome Statute for an International Criminal Court proscribes all recruitment (conscription and enlistment) of children under 15 and all active use of them in hostilities as a war crime in both international and non-international armed conflicts. The Coalition to Stop the Use of Child Soldiers calls on all states, whether or not they are or plan to become parties to the Rome Statute, to make all recruitment and use in hostilities of children under 15 a war crime, including provision for exercising universal jurisdiction over this crime.

Finally, the Coalition remains concerned that despite some good work, the rights of the child are not fully integrated into all aspects of the work of the Office of the UN High Commissioner for Human Rights. In order to facilitate the necessary coordination, we believe that there should be a high-level post within the OHCHR mandated to ensure that all aspects of the work of the Office

incorporate the rights of the child, including field operations, technical assistance, research, and special procedures.

The Coalition to Stop the Use of Child Soldiers calls on the Commission on Human Rights to:

1. insist on immediate rectification of the text of Article 3 of the Optional Protocol to the Convention on the Rights of the Child on involvement of children in armed conflict, so that it reflects the text as adopted by the 56th session of the Commission on Human Rights;

2. urge all states who have not yet done so to sign and ratify the Optional Protocol, without reservations, and specifying at least 18 years as their minimum voluntary recruitment age in their Declarations under Article 3;

3. call on the UK Government to withdraw its declaration, made on signature, in relation to Article 1 of the Optional Protocol;

4. urge all states who have not yet done so to become parties to ILO Worst Forms of Child Labour Convention (182) and the Rome Statute of the International Criminal Court;

5. encourage all member states of the OAU who have not yet done so to sign and ratify the African Charter on the Rights and Welfare of the Child, and to take steps to establish the Committee charged with overseeing its implementation;

6. propose that states provide in their domestic law for (at least) all recruitment and use in hostilities of children under 15 to be a war crime with provision for exercising universal jurisdiction over this crime;

7. recommend to all states who currently have under-18s in their armed forces to review the law applicable to them to ensure its compatibility with the provisions of the Convention on the Rights of the Child, and UN Standards on Juvenile Justice and Juveniles Deprived of their Liberty;

8. request the OHCHR to establish a high level post within the office charged with ensuring that the rights of children are integrated into all aspects of the work of the office, including field operations, technical assistance, research, and the work of the special procedures.

UNITED NATIONS **E**

Economic and Social Council

Distr.
GENERAL

E/CN.4/2001/NGO/23
16 January 2001

ENGLISH
Original: FRENCH

COMMISSION ON HUMAN RIGHTS
Fifty-seventh session
Item 11 (f) of the provisional agenda

CIVIL AND POLITICAL RIGHTS, INCLUDING THE QUESTION OF STATES OF EMERGENCY

Written statement* submitted by North South XXI, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1996/31.

[8 January 2001]

---

* This written statement is issued, unedited, as received from the submitting non-governmental organization(s).

GE.01-10412 (E)

1. Since the outbreak of the El Aqsa intifada on 28 September 2000 in the Palestinian territories occupied since 1967, the Israeli occupying forces have committed serious violations of the Palestinian people's rights. For the first time since the Israeli occupation began, Israel has used lethal measures (helicopters, tanks and artillery) against unarmed Palestinian civilians. Their targets are towns and villages - at times a dozen towns in less than 24 hours. The Israeli occupation was already characterized by crimes against Palestinian civilians and gross violations of the fourth Geneva Convention, such as settlement activities, torture, confiscation of land, forced displacement, assassination and destruction of property, but since 28 September 2000, the Israelis have added to that list of crimes the deliberate murder of Palestinian civilians; abuse and disproportionate use of force; collective punishment of civilians, including total closure of Palestinian towns and villages and, in particular, isolation of the occupied territories by closing the airport and international border crossings; wholesale destruction of possessions and property; and an unprecedented policy of economic strangulation.

2. The crimes committed by the Israeli occupying force against Palestinian civilians represent serious violations of international humanitarian law and particularly the fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War. Israel's policy is clearly to step up the violence. Suffice it to note the fact that the number of martyrs and wounded among the Palestinian civilian population during the first six weeks of the intifada is equal to the number of victims during the eight months of the 1987 intifada. The likelihood that such a situation will deteriorate and that further massacres of the Palestinian people will occur is very high, especially as, for 50 years, the Israeli occupation has gained a sinister notoriety for such crimes. Crimes of this kind generally provide a "way out" at times of political crisis or when it becomes impossible to deal with the people's revolt against the occupation. Waiting until the situation develops into another Kosovo or Bosnia Herzegovina, i.e. into massacre and ethnic cleansing of the Palestinian people, is unacceptable. Fresh action is urgently needed, through the legal and humanitarian institutions, to ensure the effective international protection of the Palestinian people in the occupied territories, for our analysis of the situation gives reason to fear the worst.

3. *Legal basis for protection*: There is a sound legal basis for protection, to be found chiefly in the fourth Geneva Convention, the Charter of the United Nations and the general principles for cooperation in international security and peacekeeping. Many lives will be saved by pressing for the protection of the Palestinian people in the occupied territories. Articles 1, 9, 10, 11, 12, 30, 143, 146 and 147 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, dated 12 August 1949, constitute a clear, unequivocal legal basis for the international protection of civilians. It is now of the utmost importance to implement the fourth Geneva Convention, particularly in the light of the latest political and legal developments following the Oslo accords signed by the Palestine Liberation Organization (PLO) and the Israeli Government, which aimed at initiating a process of confidence-building between the two parties to the conflict and reaching a final agreement on the Palestine-Israeli conflict no later than 4 May 1999. However, the Oslo accords have not had the expected results. On the contrary, as a number of human rights organizations point out, what we have is a policy of blatant racism and apartheid vis-à-vis the Palestinian people.

4. The fourth Geneva Convention is the principal benchmark in determining the legal status of the occupied Palestinian territories. Israel continues to refuse to recognize that the territories have been occupied since 1967 and therefore considers that the agreements signed between PLO and the Israeli Government do not affect the legal status of the occupied Palestinian territories. The basic point to establish is that the Geneva Convention relative to the Protection of Civilian Persons in Time of War is applicable in law, that the Israeli forces are occupying forces and the Palestinian territories are occupied territories. The final status of the Palestinian territories occupied since 1967 should therefore be determined in accordance with the Convention, and all Israeli objectives and claims rejected.

5. Discussion of settlement issue and the annexation of Jerusalem was put off until the final stage of the negotiations. In fact, under the fourth Geneva Convention, the settlements and the annexation of Jerusalem are illegal. It is vital to take this approach in order to establish the Palestinian people's legitimate political and legal rights. A major step forward was taken in 1998-1999, when the United Nations General Assembly adopted a series of resolutions stating the international community's position on the legal applicability of the fourth Geneva Convention in the occupied territories. There were five resolutions: ES-10/2 of 20 March 1998 and resolutions ES-10/3, ES-10/4, ES-10/5 and ES-10/6. They called on the High Contracting Parties to the Convention to comply with their legal obligations under the Convention and, in particular, under article 1. In the last of these resolutions, dated 9 February 1999, the General Assembly called for a meeting of the conference on measures to enforce the Convention in the occupied territories to be held on 15 July 1999. The meeting was duly held on 15 July 1999, but as a result of shameless American pressure on the High Contracting Parties and Europe's self-imposed silence, it lasted no more than 10 minutes and was followed by a brief communiqué that dashed all hopes. The circumstances surrounding this meeting show how politicized international law and the fourth Geneva Convention have become; this is ironic, since this year is the fiftieth anniversary of the signing of the Convention. In effect, the parties, claiming that the Israeli Government under Barak's leadership was a "Government of peace", failed to produce any mechanisms that might allow them to fulfil their legal obligations.

6. *The Security Council*: In accordance with the Charter of the United Nations, clear and explicit mention is made of ensuring the protection of civilians, in order to maintain international peace and security. The Security Council has primary responsibility for the maintenance of international peace and security. It is able to function continuously and each member of the Security Council must be represented at United Nations Headquarters at all times. If a dispute that may represent a threat to peace is brought before the Security Council, the Council calls upon the parties to settle the dispute by peaceful means. In certain cases, the Council may itself investigate or proceed to mediation, or appoint two special representatives or request the Military Staff Committee to do so, or may offer its good offices. It may also establish the basis for a peaceful settlement. If a dispute develops into an armed conflict, the Council must make every effort to stop it as soon as possible. The Council may also send peacekeeping forces into conflict zones in order to prevent the situation worsening and to create a climate conducive to a peaceful solution. The Council may also take executive action or impose economic sanctions (such as a trade embargo) or take military action.

7. The continuing serious violations of human rights and of the fourth Geneva Convention that are being perpetrated in the occupied territories are a threat not only to the Palestinian people but to international peace and security as well. We believe it is essential to work together to revive the cooperation among all those who stand on the side of international humanitarian law, particularly the fourth Geneva Convention, at both the regional and international levels, and with the relevant international institutions, in order to put an end to the serious violations that are taking place and ensure international protection for the Palestinian people. It will therefore be necessary to bring the High Contracting Parties together once more and, by various means and forms of pressure, persuade them to guarantee international protection for the Palestinian people. We too must become active once more and support PLO's current efforts. On 6 November 2000, PLO submitted a working paper to the Security Council emphasizing the need to place international forces in the occupied territories as a means of protecting the Palestinian people. The paper refers to the Charter of the United Nations and aims to ensure international peace and security for Palestinian civilians under occupation, the free movement of persons and goods, and freedom of worship for the Palestinians. On her recent visit to the occupied Palestinian territories, Ms. Mary Robinson, having seen the catastrophic situation of the Palestinian people and the flagrant gross violations inflicted on them, confirmed that she was personally committed to ensuring the protection of the Palestinian people, in accordance with her prerogatives as High Commissioner.

8. *The importance of international protection*: First and foremost, it is essential to force the Israeli authority to fully and explicitly recognize the need to implement the Convention in the occupied territories, and to reject all Israeli designs which have no basis in law; to ensure the presence of international protection forces, which should be deployed up to the 4 June 1967 borders and throughout the Palestinian territories, which in practice means defining the borders with Israel and compelling Israel to accept the borders of the Palestinian State in accordance with resolutions 242 and 338 concerning the peace processes; to ensure protection for Palestinian civilians in accordance with the fourth Geneva Convention and demand an immediate halt to the serious violations they are suffering or may suffer in the future; and to reject any imposition of international control and make a clear distinction between international protection and international control.

9. After more than 50 years of tragedy for the Palestinians, there is now an urgent need to put a stop to the serious violations committed by the Israeli occupying force against the Palestinian people and to recognize that people's legitimate rights. These rights must be based on international law and international humanitarian law, and must ensure the international protection of the Palestinian people and recognition of its right to self-determination and return, and to a Palestinian State with Jerusalem as its capital.

UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/2001/NGO/24
16 January 2001

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Fifty-seventh session
Item 12 of the provisional agenda

INTEGRATION OF THE HUMAN RIGHTS OF WOMEN AND THE GENDER PERSPECTIVE: (a) VIOLENCE AGAINST WOMEN

Written statement*/ submitted by the International League for Human Rights, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[8 January 2001]

---

*/ This written statement is issued, unedited, as received from the submitting non-governmental organization(s).

GE. *200-00285*

ENG

1. Five years ago, the Beijing Declaration and Platform for Action affirmed that "[w]omen's rights are human rights" (paragraph 14). Nonetheless, in many societies, the traditional association of women with family issues—which are often considered matters of private, rather than public or international, concern—can obscure certain widespread violations of women's human rights. Consequently, some forms of gender-based violence are more visible than others. In recent years, for example, the International Criminal Tribunals for the Former Yugoslavia and Rwanda have uncovered evidence of systematic rapes and other forms of sexual violence perpetrated by Serb and Hutu militias during campaigns of ethnic cleansing and genocide. In the aftermath of decisions like *Akayesu*, ICTR-96-4-T (Sept. 2, 1998), it has become disturbingly clear that a pattern of acts of violence against women can be symptomatic of other large-scale human rights violations directed against an ethnic population, including crimes against humanity and genocide.

2. Outside of the context of armed conflict, however, systematic and discriminatory acts of violence against women may be more difficult to discern. For this reason, we call the Commission's attention to the pattern of gender-based violence that Tibetan women suffer at the hands of Chinese government officials. This pattern includes forced or coerced sterilizations and abortions, as well as rape and other sexual torture perpetrated against Tibetan women, primarily nuns, as punishment for non-violent political protest. Moreover, these acts take place within the context of a broad and ongoing pattern of human rights violations against the Tibetan people, whose foundational right to self-determination has been denied for the past fifty years, as recognized by General Assembly Resolution 1723 (XVI) (1961) and reaffirmed by Resolution 2079 (XX) (1965). Women's rights violations in Tibet, including both reproductive rights violations and acts of sexual violence, reflect and in many ways originate in the failure of China's authorities to permit Tibetans to exercise their right to self-determination. Here, as in the more overt cases in Bosnia and Rwanda, patterns of sexual violence also evince a discriminatory motive.

3. Coerced abortions and sterilizations, as well as intrusive monitoring of women's reproductive cycles, constitute acts of discrimination that violate Articles 1 and 2 of the Convention on the Elimination of Discrimination Against Women (CEDAW). Article 16(e) of CEDAW specifically guarantees women the rights "to decide freely and responsibly on the number and spacing of their children and to have access to the . . . means to enable them to exercise these rights." At the Fourth World Conference on Women, the participating governments, including China, recognized and reaffirmed "the right of all women to control all aspects of their health, in particular their own fertility" (Beijing Declaration and Platform of Action, para. 17). To this end, governments agreed to "[e]nsure that all health services and workers conform to human rights and to ethical, professional and gender-sensitive standards in the delivery of women's health services aimed at ensuring responsible, voluntary and informed consent" and to "eliminate harmful, medically unnecessary or coercive medical interventions" (paras. 107(g)-(h)). China's 1995 White Paper, "The Progress of Human Rights in China," however, says

only that the state respects a woman's "right" to "family planning" and her "freedom to choose *not* to give birth."

4. Tibetan women continue to face a systematic policy of medically unnecessary, highly coercive, and often harmful sterilizations and forced abortions, ostensibly justified by China's nationwide population control policies. Ordinarily, the government adheres to a "one family – one child" policy as a means to control China's overpopulation problems. But this policy, at least in theory, applies solely to nationalities whose populations exceed ten million. Only about six million Tibetans live in Tibet. More critically, Tibet has no population problem, and it never has. In fact, prior to 1950, about six million Tibetans lived in Tibet, a region roughly the size of Western Europe. Even today, in the "Tibet Autonomous Region," which covers about forty percent of the region traditionally called Tibet, fewer than 1.6 persons inhabit each square kilometre. Tibet remains one of the *least* populated regions in the world. There is absolutely no justification for China to apply its "family planning" policies in Tibet.

5. Indeed, if the true reason that China forcibly limits Tibetan women's reproductive rights is the government's legitimate concern about Tibet's population density, then it is difficult to understand why China continues to encourage the resettlement of tremendous numbers of ethnic Chinese in Tibet. The pattern of coercive sterlizations and abortions performed on Tibetan women, absent any real justification, constitutes measures imposed to prevent births within the Tibetan national, ethnic, racial and religious group. This suggests an intent to destroy the Tibetan people, in whole or in part, which is a clear violation of China's international obligations under the Convention on the Prevention and Punishment of the Crime of Genocide.

6. Reports indicate that Tibetan women suffer forced sterilizations and late-term abortions at the hands of state healthcare workers. According to the Tibet Information Network (TIN), "a considerable element of coercion is applied to women, particularly in rural areas, through the mechanisms of fines and administrative structures introduced by these officials" ("Increased Restrictions on Birth of Children in Tibet," Feb. 9, 2000). For example, a 61-year-old Tibetan reported that poor women from his village, regardless of the size of their families, were summoned by Chinese authorities to undergo birth control measures. If they refused, the authorities fined them 1000 yuan, approximately two-thirds of the per capita net annual income for the farmers and herders who comprise 85% of the Tibet Autonomous Region's Tibetan population. TIN's source noted that "none of the women could dare refuse," and they were given the choice of "being inserted with loops [IUD], sterilisation, or injection." Tibetans who objected to these procedures—either because of their Tibetan Buddhist religious beliefs or their practical need, as subsistence farmers, for more children to help them survive—were reprimanded for "expressing such discontent" and told they were "defying the policy of the Chinese government," charges that "can lead to severe repercussions."

7. "Racial Discrimination in Tibet," a recent study by the Tibetan Centre for Human Rights and Democracy (TCHRD), confirms that "sterilisation and forced abortions" have become routine in Tibet. For instance, in the Kanze Tibetan Autonomous Prefecture (a region of the Tibetan province of Kham), one Tibetan described how Chinese authorities visit his village regularly to enforce the birth control policy: "[A]ll the other women in the village who had two children already were ordered to undergo sterilisation regardless of their age or physical condition. They were treated like animals, and given very poor operations. One woman . . . died seven days after she was sterilised." Tibetan sources also told TIN researchers that Chinese authorities in the Kanze were intensifying birth control to enforce a strict "two child" policy for Tibetan farmers and herders—even though Kanze's population growth is about one-half that of China as a whole, and its population density is similarly sparse. ("New Birth Control Policies to 'Help Families Become Richer,'" Feb. 9, 2000)

8. Another Tibetan woman, from the Tsolho Tibetan Autonomous Prefecture in Qinghai Province, was threatened with severe consequences if she refused to abort her second child: "No words have the power to express the excruciating pain I experienced during the operation," she told TCHRD. "Over 85% of the women worker[s] have to undergo the same torture and excruciating pain." As her testimony suggests, Tibetan women are subjected to forced, and often late-term (as late as the 7th or 8th month of pregnancy), abortions. These cause them severe pain and are not always performed by experienced healthcare workers or under sanitary conditions. If the women refuse to submit to these procedures, however, their "unauthorized" children are denied education, medical care, ration cards and other state benefits that they would ordinarily receive. Moreover, some reports indicate that Tibetan women have been brought to medical clinics on various pretexts unrelated to their pregnancies and then, without their knowledge or consent, given injections that induce abortions.

9. Tibetan women also face a systematic pattern of gender-based violence for non-violent expressions of their political opinions. According to "Hostile Elements" (1999), a recent report by TIN, about one out of every twenty Tibetan women imprisoned for non-violent political expression die as a result of violence, torture, and other maltreatment. In June 1998, according to another TIN report ("Rukhag 3: The Nuns of Drapchi Prison" (2000)), five Tibetan nuns who had been detained for political protests in the late 1980s and early 1990s reportedly committed suicide after suffering five weeks of severe maltreatment. Security personnel, acting under official orders, had beat the nuns and subjected them to electric shocks with cattle prods: "Electric batons are utilised . . . to torture those under restraint. Sense organs, such as tongue and ears, body cavities and sexual areas, especially on females, have been routine points of application for electric shocks." In 1999, TCHRD likewise reported that Tibetan women detained for political expression are subject to sexual torture, including "assaults with sticks and electric cattle prods that are forcibly inserted into the vagina, anus and mouth."

10. Mr. Chairman, Article 1 of the 1993 Declaration on the Elimination of Violence Against Women notes that "the term 'violence against women' means any act of gender-based violence that results in, or is likely to result in, physical, sexual, or psychological harm or suffering to women," and Article 2(d) makes clear that this includes "physical, sexual and psychological violence perpetuated or condoned by the State." The evidence of gender-based violence in Tibet, including coerced abortions, forcible sterilizations, and acts of sexual torture, reveals a systematic pattern of violence against Tibetan women that is "perpetuated or condoned by the [Chinese] State." We therefore urge the Commission to adopt a resolution calling on the Chinese government to protect Tibetan women from this pattern of gender-based violence, to take prompt and effective measures to prevent the sexual torture and abuse of detained Tibetan women, and to cease the illegitimate policy and practice of forcibly sterilizing Tibetan women and aborting their children.

UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL
E/CN.4/2001/NGO/25
16 January 2001

Original: ENGLISH
AND FRENCH

COMMISSION ON HUMAN RIGHTS
Fifty-seventh session
Item 12(a) of the provisional agenda

INTEGRATION OF THE HUMAN RIGHTS OF WOMEN AND THE GENDER PERSPECTIVE: VIOLENCE AGAINST WOMEN

Written statement*/ submitted by the Coalition Against Trafficking in Women, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[7 January 2001]

---

*/ This written statement is issued, unedited, as received in English and French from the submitting non-governmental organization(s).

GE.*2001*0**893*

ENG

1. Trafficking in women for the purpose of prostitution and sexual exploitation is a serious international crime of increasing global magnitude. The United Nations Programme against Trafficking in Human Beings estimates that more than a million women and children are victims of trafficking around the world each year.

2. The sex industry has developed into one of the fastest growing global enterprises, after the drug and arms trade, with a multi-billion dollar yearly profit. Well-organized local, regional and international organized crime networks recruit and transport women to sex industry markets around the world for buyers who demand more and different women and children for commercial sex.

3. Trafficking in women for the purpose of prostitution takes place both within countries and over national borders, with the majority of women being trafficked from countries in the South, from Eastern Europe and the countries in former Soviet Union, into local sex industry markets in countries in the North.

4. Although there have been efforts to de-link trafficking and prostitution, most women who are trafficked, are recruited, transported, sold or purchased for the specific purpose of prostitution and sexual exploitation. Moreover, a large number of women trafficked for domestic labour often end up being sexually exploited, with many of these women recruited into the sex industry.

5. The majority of women in prostitution are economically and racially marginalized, and often victims of prior male sexual violence. They are recruited into prostitution because of an absence of real, reasonable alternatives. Women from the most oppressed and vulnerable groups in society are the most likely to be over-represented in systems of prostitution.

6. The 1949 *Convention for the Suppression of the Traffic in Person and of the Exploitation of the Prostitution of Others* ("1949 *Convention*"), states that trafficking and prostitution are incompatible with the dignity and worth of the human person.

7. The *Beijing + 5 Outcomes Document*, Articles 59 and 60, supports the principle that trafficking and prostitution are practices of violence against women, reinforcing the *Declaration on the Elimination of Violence Against Women* (A/RES/48/104).

8. The *Convention on the Elimination of All Forms of Discrimination Against Women*, signed by the majority of United Nations member States, declares that States must "take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women" (Article 6).

9. Despite the increasing understanding and agreement that trafficking and prostitution seriously violate women's human rights, and is violence against women, some countries have legalized prostitution; and others are considering regulating this age old form of slavery in order to increase their taxation base and allegedly bring it under legal control. Yet countries which have legalized prostitution have the highest number of trafficked women.

10. The Working Group on Contemporary Forms of Slavery continues to play an important role as a human rights monitor in the area of prostitution, trafficking of women and other slavery-like practices. Its members have made it possible for non-governmental organizations to voice their concerns, and victims of contemporary forms of slavery, including survivors of prostitution, to testify about their experiences.

11. The newly finalized *Convention Against Transnational Organized Crime* ("*Convention of Palermo* ") with its additional *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children* ("*Trafficking Protocol*"), reinforces the 1949 *Convention*, and is a 21st century United Nations instrument that offers increased protection for women who are trafficked for the purposes of prostitution and sexual exploitation, as well as other forms of trafficking. The *Convention* and its *Protocols* were opened for signature to United Nations member States in Palermo, Italy in December 2000. Of the 120 countries that signed on to the *Convention*, 80 also signed the *Trafficking Protocol*.

12. This new *Convention of Palermo*, together with the critically important 1949 *Convention*, establishes the parameters for international judiciary cooperation against transnational organized crime, and creates an international judicial regime under which traffickers can be held accountable for their crimes.

13. The *Trafficking Protocol*, based on accepted human rights principles, affords protection to all victims who were trafficked, not simply those who can prove force, by stating that "abuse of power or of a position of vulnerability" is a means of trafficking; and that the consent of a victim of trafficking "shall be irrelevant."

14. For the first time in an international instrument, those who create the demand for sexual and all forms of exploitation are mentioned. In implementing measures to prevent trafficking, "States shall adopt or strengthen legislative or other measures... to discourage the demand that fosters all forms of exploitation of persons, especially women and children, that leads to trafficking"(Article 9.5 of the *Trafficking Protocol*).

15. This new *Trafficking Protocol*, and the adoption of a strong definition of trafficking, is a significant and defining milestone for the human rights of women in the 21st century. It is consistent with the human rights principles expressed in the 1949 *Convention*, the *Convention on the Elimination of Discrimination Against Women* (CEDAW) and the *Convention on the Rights of the Child*, among others.

CONCERNS

1. We encourage States to ensure that their actions to prevent the international trafficking in women and children do not "inhibit immigration or freedom of travel consistent with laws," especially the ability of women to migrate; and that they do not "undercut the protection provided to refugees in international law" (See the Secretary General's 1998 report on trafficking in women and girls, A/53/409, para. 22).

2. We note with great concern the report on trafficking in women (E/CN.4/2000/68) presented at the 56th Session of the Commission on Human Rights by the Special Rapporteur on Violence against Women, which introduces a definition of "forced" trafficking that is inconsistent with the 1949

Convention, as well as with the newly adopted *Trafficking Protocol*. The Special Rapporteur's report affirms an outmoded and repressive standard of distinguishing between forced and so called "voluntary trafficking," thereby laying the groundwork for "voluntary" prostitution as "sex work." Of equal concern is the Special Rapporteur's rejection of the 1949 *Convention* and her misinterpretation that this critical instrument "does not take a human rights approach."

3. Any society that claims to defend principles of political, economic and social equality for women must reject the idea that women's and girls' bodies are commodities that can be bought and sold. To do otherwise is to allow that a separate class of females, especially women who are economically and racially marginalized, is excluded from the universal protection of human dignity enshrined in the body of international human rights instruments developed during the last fifty years.

RECOMMENDATIONS

The Coalition Against Trafficking in Women, therefore, urges:

(a) the Commission on Human Rights to endorse the recommendations of the Sub-Commission on the Promotion and Protection of Human Rights and the Working Group on Contemporary Forms of Slavery (E/CN.4/SUB.2/2000/19) in its entirety, with special attention to the comments regarding the *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children*, the 1949 *Convention on the Suppression of the Traffic in Persons and the Exploitation of the Prostitution of Others*, and the report of the Special Rapporteur on Violence Against Women;

(b) the Commission on Human Rights to endorse a human rights approach that discourages and takes measures to combat male demand for trafficking, prostitution and sexual exploitation;

(c) the Commission on Human Rights to state clearly and unequivocally that prostitution and trafficking in women for the purposes of prostitution and sexual exploitation violate the human rights of any women. This, regardless of whether women were forced by traffickers or driven into prostitution as a result of prior sexual abuse, poverty, and oppression/inequality;

(d) the Commission to call upon other United Nations bodies to take a similar approach;

(e) the Commission on Human Rights to recommend that Governments conclude bilateral, sub-regional, regional and international agreements to address the problem of trafficking in women for prostitution, especially the *Convention Against Transnational Organized Crime* and its additional *Trafficking Protocol*, and the 1949 *Convention on the Suppression of the Traffic in Persons and the Exploitation of the Prostitution of Others.*

UNITED NATIONS **E**

Economic and Social Council

Distr.
GENERAL

E/CN.4/2001/NGO/26
16 January 2001

ENGLISH
Original: FRENCH

COMMISSION ON HUMAN RIGHTS
Fifty-seventh session
Item 10 of the provisional agenda

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Written statement submitted by the International Movement of Apostolate in Independent Milieux*

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1996/31.

[2 January 2001]

* This written statement is issued, unedited, as received from the submitting non-governmental organization.

1. Pursuant to its congress held from 27 to 29 November 2000, MIAMSI welcomes the efforts of the United Nations Economic and Social Council, in particular the Commission on Human Rights, and of the Office of the High Commissioner for Human Rights, to make concrete progress towards the enjoyment by all (including the poorest) of economic, social and cultural rights.

2. On the basis of MIAMSI's priority goals, 1,200 members from 35 countries on four continents (Africa, Asia, America and Europe) worked throughout the three days and towards the adoption of seven proposals designed to encourage the participation of our members (who are fortunate not to live in extreme poverty) in the promotion of human rights, the eradication of extreme poverty and the building of a world based on genuine solidarity.

3. A worldwide forum such as ours provides a place where human rights promoters of all philosophical and religious persuasions and Christians wishing to be active in the world can meet in a spirit of brotherhood.

4. In order to make concrete progress towards the enjoyment of economic, social and cultural rights and the right to development through individual and collective action, by forging new paths and seeking to free ourselves from fatalism, scepticism, conformity and fear, the following three goals were chosen:

(a) To combine individual action with action aimed at social structures.

(b) To work constantly with others, with the poor themselves, who have not waited for us in order to take responsibility for their own development and are seeking the means of achieving it.

(c) Constantly to undertake modest initiatives, in small affirmations of possibility which are the embodiment of our will to change things and act.

The Congress adopted the following seven proposals:

In the field of education:

In order to take part in the development of education for the benefit of all children, which aims at the blossoming of the entire individual and instils an awareness of the importance of generosity and peace:

1. Let us all, wherever we are, commit ourselves to projects on both a personal and collective level, together with all the social actors concerned (families, children, teachers, associations and public authorities …).

In the economic field:

In order to witness, and take part in, the eradication of poverty:

2. Let us adopt a sober lifestyle and invest part of our time in activities for the benefit of others.

3. Let us participate in ethical and mutually-supportive financing initiatives (ethical investments, mutual funds for development, micro-credit, fair business practices, etc. ...) and let us promote them, on a collective basis, in the North, South, East and West.

In the field of politics, in a world where violence corrodes relationships between individuals and peoples, we must rehabilitate politics, restore its credibility and make it serve all individuals and all peoples:

4. By joining with other forces in monitoring and lobbying political practice. On this basis, let us commit ourselves, as rapidly as possible, to seeking the most appropriate legal instruments for a supranational "government" of the economy, based on solidarity and the general good.

5. By fostering citizenship education for young people and by promoting the role of women in politics.

In the field of work:

Let us work to change attitudes in the world of work.

6. Let us dare to reject the systematic reproduction of traditional models and patterns and imagine and experiment with other forms of work, building on the small steps forward which have already been taken.

7. Let us dare to ensure that the right to work is applied by businesses, including suppliers, by us personally (domestic employees, illegal labour ...) and in the production and marketing circuits of the products we buy.

5. It is the duty of the United Nations to bring individuals closer to the international bodies. If we in the Commission on Human Rights wish to see the effective enjoyment of economic, social and cultural rights and the right to development considered by everyone to be as important as the enjoyment of civil and political rights, pursuant to the decisions of the 1993 Vienna Conference, the Commission must devote more resources to that end, especially in view of the ever-increasing situations of poverty in the South and East, and even, in certain social categories, in the North. It must also give the people who are discovering the planet-wide implications of their citizenship guidelines concerning rights, challenges in regulating globalization and the means of controlling their Governments and international bodies.

6. By way of example we wish to refer to the statement we delivered before the Commission in 2000, asking it, the Committee and the Office of the High Commissioner to seek ways to encourage States to respect their human rights commitments and their obligations under earlier conventions when they take decisions, with particular reference to the World Trade Organization.

7. Thus the Commission will become better known and gain credibility in world public opinion. Thus the men and women of the planet will be encouraged to promote the rights of all, beginning with the poorest, in a planet-wide initiative of citizenship. More of them will undertake local, national and international actions, having replaced, scepticism with trust, fatalism with hope and fear with love.

UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/2001/NGO/27
16 January 2001

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Fifty-seventh session
Item 4 of the provisional agenda

REPORT OF THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS AND FOLLOW-UP TO THE WORLD CONFERENCE ON HUMAN RIGHTS

Written statement*/ submitted by Human Rights Watch,
a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[5 January 2001]

---

*/ This written statement is issued, unedited, as received from the submitting non-governmental organization(s).

GE. * 2 0 0 1 0 1 0 2 9 3 *

ENG

This session takes places at an extremely difficult moment for Colombia and its people, and demands the increased attention and resources of the Commission on Human Rights. Continuing a disturbing trend from 1999, the average number of victims of political violence and deaths in combat has risen from twelve to fourteen per day. Over 228,000 people were displaced in 2000. Of that number, 93,000 were forced to flee between July and September alone, the result of a record fifty-three massacres, most committed by paramilitary groups operating with the tolerance or open support of the armed forces.

Guerrillas also committed a rising number of violations of international humanitarian law, among them killings, the taking of hostages, and the recruitment of children. In dozens of attacks, the Revolutionary Armed Forces of Colombia employed methods that caused avoidable civilian casualties in violation of international humanitarian law. For their part, Camilist Union-National Liberation Army guerrillas continued attacks on oil pipelines and power pylons, and for prolonged periods prevented transit on vital roads, converting thousands of detained travelers into human shields.

Human rights defenders, community leaders, trade unionists and journalists continued to face threats and attacks. During the first ten months of 2000, four human rights defenders were killed and three "disappeared." Association of Family Members of the Detained and Disappeared members Angel Quintero and Claudia Patricia Monsalve were "disappeared" in Medellín, Antioquia, on October 6. Since, the group reports constant telephone threats, among them one where a woman could be heard weeping and begging for help as if she were being tortured. The Barrancabermeja-based Regional Corporation for the Defense of Human Rights also received dozens of telephone death threats from August through September. In key areas of the country, human rights monitoring has virtually stopped due to these kinds of threats.

During her December visit, U.N. High Commissioner for Human Rights Mary Robinson made a point of calling on the government to do more against paramilitary groups, which continue to operate virtually unimpeded and often count on the cooperation and direct collaboration of the Colombian military.

High ranking officers against whom there is credible evidence of ties to paramilitary groups not only remain in command, but have been promoted. Our evidence strongly suggests that in fact, military officers remain on active duty despite formal charges as a matter of course, and these cases are not the exception, but the rule. The number of state agents named in human rights-related cases remains significant. Of the 1,419 people currently under investigation by the Attorney General, over 20 percent are members of the armed forces. This is only slightly less than the number of guerrillas investigated for international humanitarian law violations. By the Colombian government's own admission, most of the 388 individuals dismissed in October 2000 were let go for reasons unrelated to human rights. To our knowledge, none of the soldiers dismissed has since been arrested or is facing trial.

Many paramilitary bases remained fixed and well known, yet authorities did little or nothing to

dismantle the bases, prevent them from being used to commit crimes, or arrest those responsible. One of the most well-known paramilitary bases in Colombia is less than ten minutes' drive from the center of Puerto Asís, Putumayo. Although this base has been active for almost one year, local authorities said there has been no attempt by the government to shut it down.

Paramilitary activity increased in 2000 and paramilitary groups were considered responsible for ninety-three massacres in the first five months of the year. In Nueva Venecia, Magdalena, paramilitaries are believed to have killed at least thirty-eight people on November 22, 2000. In areas of long-standing paramilitary presence, reliable and abundant information shows that the security forces continued to allow paramilitary operations with little or no evidence of actions taken to curtail such activity. In the Urabá region, for example, paramilitary groups continue to operate openly in heavily militarized zones.

There has been virtually no attempt on the part of the Colombian government to implement recommendations made by the U.N. Among them, the government has failed to enforce laws governing jurisdiction over human rights crimes and continues to allow the armed forces to adjudicate cases involving allegations of serious human rights violations, in defiance of the clear intent of Constitutional Court Sentence No. C-358/97 to exclude these cases from the military tribunals.

In a welcome decision, on July 21, 2000, the Superior Judicial Council returned a case involving the forced disappearance of Nydia Erika Bautista to civilian courts for trial. For the first time, the CSJ fully embraced Sentence No. C-358/97 and established a crucial precedent. Unfortunately, this precedent has yet to be acted upon by the armed forces. So far, military judges have refused to transfer key cases back to civilian courts for trial.

A military penal code reform gave the military new powers to dismiss officers against whom there is credible evidence of crimes against humanity, including genocide, torture, and forced disappearance. However, the reform left out the crimes most often alleged to have been committed by members of Colombia's Armed Forces are not specifically excluded from military jurisdiction by the Military Penal Code, among them extrajudicial execution, rape and aiding and abetting the atrocities carried out by paramilitary groups.

The Ministry of Defense has reported that 80 per cent of the arrest warrants issued by the Attorney General against paramilitaries have not been enforced. This is largely due to inaction by the military. At this writing, there are at least 22 outstanding arrest warrants against Carlos Castaño, the main paramilitary leader.

Since the Attorney General's Human Rights Unit began work in 1995, dozens of prosecutors have been forced to either abandon these cases, leave the institution, or go into exile because of threats from active-duty officers and paramilitaries. Far from demonstrating greater willingness to cooperate with civilian judicial officials, we continue to receive evidence that these investigators are routinely prevented from gaining access to relevant information, implicated

military personnel and official records. Moreover, the Attorney General reported in September that budget cuts implemented by President Pastrana are "dramatic" and threaten to "paralyze" the work of the Human Rights Unit.

In December 2000, President Pastrana announced that he intends to propose constitutional changes which would reinstate powers previously granted to the armed forces, but abolished by the 1991 Constitution. Of particular concern is that, in conjunction with these increased powers, Pastrana proposes by constitutional reform to introduce a "special procedure" in the *Procuraduría* for investigations of armed forces' personnel for acts which take place during anti-kidnaping and anti-terrorism operations. The "special procedure" would relax *Procuraduría* oversight and disciplinary function. We interpret Pastrana's proposal as a disturbing sign that civilian investigators will receive fewer, not greater guarantees for their work even as the armed forces, which have yet to reform, may gain dangerous new powers.

We urge the Commission on Human Rights to press for a dramatic expansion of the work in Colombia of the Office of the High Commissioner by increasing the number of permanent staff in the country and establishing satellite offices in areas where Colombian defenders can no longer operate, including the departments of Putumayo, Cauca, Valle, Bolívar, Norte de Santander, Magdalena, Meta and Cesar. Donor countries should increase their financial support and establish a budget that allows for frequent travel. Additionally, we urge the High Commissioner to renegotiate the mandate of the Office of the High Commissioner in Colombia to include the power to transmit information on cases to international and non-governmental organizations and the press as appropriate. The Office should have the power to release statements summarizing its investigations of the available evidence on a case by case basis.

UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/2001/NGO/28
16 January 2001

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Fifty-seventh session
Item 6 of the provisional agenda

RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND ALL FORMS OF DISCRIMINATION

Written statement*/ submitted by Human Rights Watch,
a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[5 January 2001]

*/ This written statement is issued, unedited, as received from the submitting non-governmental organization(s).

GE. * 2 0 0 1 0 1 0 2 9 7 *

ENG

In this year of the Third U.N. World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance, people around the world face discrimination in criminal justice; in the public administration of social services, education, and housing; and in the denial or deprivation of nationality and citizenship rights on racist grounds.

The failure of states parties to honor obligations under the International Covenant on Civil and Political Rights (ICCPR)—and its companion standard, the International Convention on the Elimination of All Forms of Racial Discrimination (CERD)—has been particularly acute as it concerns the people who live under the hidden apartheid of caste discrimination. Racial discrimination and related intolerance also pose new threats to migrants and refugees around the world: and to the international refugee protection regime itself.

The United States, in its initial report to the Committee on the Elimination of Racial Discrimination, in September 2000, frankly acknowledged dramatically disproportionate incarceration rates for minorities in the criminal justice system and cited studies indicating that members of minority groups, especially African- and Hispanic-Americans, "may be disproportionately subject to adverse treatment throughout the criminal justice process." It further acknowledged concerns that "incidents of police brutality seem to target disproportionately individuals belonging to racial or ethnic minorities." The report, however, did not question whether ostensibly race-neutral criminal laws or law enforcement practices causing the incarceration disparities violated CERD, nor did it acknowledge the federal government's obligation, under CERD, to ensure that state criminal justice systems (which account for 90 percent of the incarcerated population) are free of racial discrimination.

Criminal justice policies in the United States stripped many of its nationals of civil rights in a manner disproportionately affecting minorities. A growing number of citizens were unable to vote because of laws that disenfranchise people convicted of felonies who are in prison, on probation or parole—and even, in one quarter of the states, who have finished serving their sentences. An estimated 3.9 million U.S. citizens were disenfranchised, including over one million who had fully completed their sentences. Black Americans were particularly hard hit: 13 percent of black men—1.4 million—were disenfranchised. In the states of Alabama and Florida almost one in three black men was unable to vote because of a felony conviction. Blanket criminal disenfranchisement provisions violate the ICCPR's article 25, on the right of citizens to vote, which forbids "unreasonable restrictions" on this right. The Human Rights Committee has found that even in those exceptional cases in which criminal disenfranchisement may be established by law, "the period of such suspension should be proportionate to the offence and the sentence." The disproportionate impact of disenfranchisement laws on minorities is also inconsistent with the principles of non-discrimination contained in the ICCPR and CERD. Discrimination in criminal justice and public policy is perhaps most pervasive and deep rooted where discrimination is founded on caste, or, as in the United States, where the heritage of slavery and legislated segregation remains a potent factor. This sometimes embraces hidden forms of racism that have extraordinary rights-defeating consequences. In India, the

emancipation by law of members of castes once known as "untouchables"—and now known as Dalits—failed to eliminate the norms and structures of India's hidden apartheid. Discriminatory societal norms continue to be reinforced by government structures ranging from the police and the lower courts to state and municipal authorities. Caste violence claimed the lives of scores of men, women, and children in 2000 in a series of massacres committed with impunity. On June 16, 2000, in Miapur village in Bihar, police left the scene as an upper-caste militia slaughtered thirty-four Dalit men, women, and children. There are more than 160 million Dalits in India and tens of millions of others with similar caste distinctions in other South Asian countries.

The Roma minority in countries of Eastern Europe endure police abuse and the denial of equal protection under the law as well as discrimination in access to education and rights of residence. Harassment and violent attacks against Roma in Bulgaria, Croatia, the Czech Republic, Hungary, Romania, Serbia, and Slovakia, and expulsion from homes and communities was widely reported in 2000. Roma children often lacked access to schools in Croatia, and in the Czech Republic they were disproportionally shunted into classes for the mentally disabled. In Serbia, Croatia, Hungary—and Greece—municipal authorities forced Roma out of their homes. In Serbia, Roma in Sabac were turned away from a public swimming pool.

In Russia, enforcement of control of movement and residence often assumed ethnic or racial dimensions, with the *propiska* system of permits providing a pretext for the police harassment, arbitrary arrest, and extortion of people distinguished by their racial characteristics. Moscow police in September 1999 were given carte blanche in the wake of two bombing incidents there to carry out mass arrests of ethnic Chechens living in the city, taking more than twenty thousand Chechens to police stations. Administrative measures kept Chechen children out of school, while adults had trouble finding work, registering marriages, or receiving passports.

Discrimination in the determination of nationality and citizenship has denied whole populations a nationality in their own countries, or stripped them of their citizenship by political fiat, because of their race or descent. Some have been present in a country for generations, often predating their country's independence. Discrimination on the basis of gender often combines with racism as a discriminatory factor in states that define citizenship in terms of racial or national "purity." As citizenship is restricted to the children of male nationals, female citizens are discouraged from marrying men of a distinct race or nationality because their children would be denied citizenship. Naturalization policies, too, may deny citizenship on racial or national grounds even for people who have established deep roots in a country and have retained no connections with any other.

In some cases, governments recognized particular minorities as distinct from foreigners—as in the case of Syria's large Kurdish minority, hundreds of thousands of members of Thailand's hill tribes, or Kuwait's Bidun. Although not "mere aliens," a distinction used by the Human Rights Committee in interpreting the ICCPR's article 12, they are accorded a restrictive status short of full recognition as nationals: as if citizens without citizenship. Kuwait's 120,000 Bidun residents, for example, many of whose families have lived in Kuwait for decades or generations, should be

eligible for naturalization but have not been granted it. Since the mid-1980s, they have faced widespread and systematic discrimination, including violations of their right to enter and leave Kuwait, to marry and found a family, and to work. Their children's right to education, to be registered immediately after birth, and to acquire a nationality are also violated.

Arbitrary deprivation of citizenship and disputed nationality is both a cause and consequence of forcible displacement, and a significant obstacle in seeking solutions to long-standing refugee situations. In South Asia, more than 100,000 Bhutanese refugees remain in exile, the majority of them in southeast Nepal, after most of them were arbitrarily stripped of their nationality and expelled from Bhutan in the early 1990s. Ten years later, the Bhutanese government continues to block refugee return, claiming that the majority of them are not bona fide Bhutanese citizens and hence enjoy no right to return.

Particular calamities occur when governments strip whole ethnic or racial groups of their recognized nationality, most commonly in situations of upheaval or when new states emerge. In the Ivory Coast, ethnic politics became a center-piece of political discourse, the questioning by high officials of who was a "true Ivorian" leading to extreme violence. In Cambodia, members of the ethnic Vietnamese minority faced a new wave of repression in November 1999, when authorities charged that some 600 ethnic Vietnamese were illegal immigrants. The villagers said they were long-time Cambodian citizens and that local authorities confiscated their identity documents before they were forced to flee. Discriminatory nationality and citizenship policies and practices in these circumstances are frequently accompanied by racist violence.

Throughout the world, racial discrimination within the terms of CERD and the ICCPR may be pervasive in criminal justice, aspects of public administration, or in the determination of nationality and citizenship rights with or without the express intent of law makers or the executors of public policy to discriminate. The convention on racial discrimination requires states to guarantee to all individuals the enjoyment of rights without such discrimination—and to ensure that public policies are discriminatory neither in purpose nor in effect.

As preparations continue for the World Conference, this Commission should make every effort to address the discriminatory effect of public policy that, regardless of its intent, serves to lock people away from the exercise of civil and political rights—and by doing so bars their way to the enjoyment of economic, social, and cultural rights.

NATIONS

E

Economic and Social Council

Distr.
GENERAL

E/CN.4/2001/NGO/29
16 January 2001

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Fifty-seventh session
Item 9 of the provisional agenda

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD

Written statement*/ submitted by Human Rights Watch, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[5 January 2001]

---

*/ This written statement is issued, unedited, as received from the submitting non-governmental organization(s).

GE. * 2 0 0 1 0 1 0 3 0 1 *

ENG

Indonesia

Indonesia made further strides in protecting human rights in 2000, but serious regional conflicts, a weak legal system, and delicate civil-military relations pose ongoing obstacles. Three areas wracked by conflict--Aceh, Irian Jaya (Papua), and the Moluccas--have experienced widespread violations. At the end of 2000, conditions for hundreds of thousands of people displaced by communal conflict in the Moluccas as well as East Timorese refugees in West Timor remained precarious. Accountability for current and past abuses is essential to long-term peace, but Indonesia has done little to bring perpetrators to justice. Human Rights Watch urges the Commission to call for the creation of an international tribunal for East Timor and to press Indonesia to prosecute past atrocities in Aceh and Papua, as well as other crimes that occurred during the Soeharto era.

Aceh

Widespread violations took place despite the "humanitarian pause" agreed to by rebels and government representatives in May 2000, with scores of new civilian casualties. Peaceful advocates of a referendum on Aceh's political future became the target of security forces; human rights activists and humanitarian aid providers were frequently harassed and in several cases were killed. Eyewitness testimony pointed to military involvement in the murder of three humanitarian aid workers in December; the brutal murder of human rights lawyer Jafar Siddiq Hamzah, whose body was found in September, remains unsolved.

In a letter sent on 22 November 2000, five CHR experts noted a "pattern of serious human rights violations" in Aceh. We urge the Indonesian government to invite all five experts to Aceh to view conditions firsthand.

Papua

Use of lethal force against protestors, arbitrary arrests, and torture of suspects have exacerbated anti-Jakarta sentiment. In late 2000, the government began to take a hard line against activists, temporarily detaining Johannes Bonay, head of Elsham, Papua's leading human rights organization, and resurrecting discredited Soeharto-era laws to arrest peaceful advocates of independence. There were also new reports of severe torture of suspects in police custody. We call on Indonesia to invite the CHR experts on human rights defenders and torture, as well as the working group on arbitrary detention, to visit Papua as soon as possible.

Moluccas

The region remains a tinderbox. Exact casualty figures are difficult to verify, but estimates put the toll from October 1999 to September 2000 alone at over 5,000 dead, and hundreds of thousands have been displaced. Indonesia must take decisive action to arrest and prosecute instigators of and participants in the communal violence on both the Christian and Muslim sides, including members of the Laskar Jihad. It should also take legal action against military and police who join the conflict. The Commission should urge Indonesia, with full international support, to provide additional humanitarian assistance for the displaced.

Iran

Despite the victory of reformist supporters of President Khatami in parliamentary elections in February 2000, Iran's year was marked by severe setbacks in the human rights field. Independent

newspapers and magazines, a leading force for the reform movement and the most visible sign of human rights progress, have been closed down en masse. Leading journalists, editors and publishers are among the dissidents and reform leaders imprisoned for exercising their right to freedom of expression. Conservatives remain in control of the judiciary and the armed forces, and they have been able to block efforts to promote reform and respect for the rule of law. Religious minorities, notably Christians, Jews and Sunni Muslims, remain subject to discrimination and persecution. Iran's Jewish community was severely shaken by the prosecution of ten Jews from Shiraz on unsubstantiated charges of having illegal contacts with a hostile foreign power. The trial took place behind closed doors in April and May 2000. Iran's Baha'is continue to be the target of intense persecution. The deterioration in the human rights situation in the Islamic Republic over the period since the previous session of the Commission warrants the continuation of the mandate of the Commission's Special Representative on human rights in Iran. For the same reason, the Commission should call upon the government of Iran to grant the Special Representative access to the country in accordance with his repeated requests to visit.

Sierra Leone

Sierra Leone continues to be plagued by widespread human rights abuses and the pervasive climate of impunity. While the Revolutionary United Front (RUF) continues to commit the overwhelming majority of atrocities -- including rape, murder, abduction, forced conscription, and amputation, as well as attacks on Guinean villages and civilians -- serious abuses are also committed by the Civil Defense Forces (CDF, primarily the Kamajors and Gbithis) including rape, systematic extortion, looting of villages, commandeering of vehicles, recruitment of children, and torture and summary execution of suspected rebels.

The United Nations Mission in Sierra Leone (UNAMSIL) is currently over 12,000 members strong, yet, despite the provisions in its current mandate, its role in protecting civilians has been extremely limited. We urge the Commission to focus attention on the need for UNAMSIL to protect civilians. Specifically, the Commission should reaffirm UNAMSIL's obligation under its current mandate to protect civilians and to ensure that this be established as an immediate and primary concern of troops on the ground. UNAMSIL should be required to take all necessary measures to protect civilians within its areas of deployment, and to use its best efforts to expand the zone within which it is able to protect civilians.

The human rights component of UNAMSIL has been set by the Security Council at 14. Yet, the unit has not reached its full deployment. The Commission should urge that the UNAMSIL human rights component is fully staffed and deployed. UNAMSIL's efforts to promote protection for civilians would also be greatly improved if the work of the human rights unit were better integrated into the larger UNAMSIL mission. We urge the Commission to ensure that the human rights unit be strengthened with the necessary mandate and resources to enable it to investigate and publicly report on human rights abuses by all sides to the conflict, and that its findings and recommendations be given due weight by UNAMSIL's military and political components.

The establishment of the Special Court for Sierra Leone remains an urgent priority, yet progress toward establishing the court has been extremely slow. We urge the Commission to reaffirm that there can be no impunity for perpetrators of war crimes and crimes against humanity by any side to this conflict.

Uzbekistan

Noting the severe and intransigent deterioration of human rights in Uzbekistan, we again call on the Commission to appoint a Special Rapporteur on that country. Three years ago, the government of President Islam Karimov unleashed an unrelenting campaign against pious Muslims who practiced their religion outside state controls. State authorities arrested thousands of independent Muslims on arbitrary grounds, often solely on the basis of outward acts of piety, such as regular prayer at home or Koranic study. The campaign unfolded in an environment in which the government had for years denied basic rights—to freedom of association, assembly, speech, conscience—in most sectors of society. It instensifed following the February 1999 bombings in Tashkent.

Two years of Human Rights Watch field research has documented the torture and violation of basic rights—to due process rights and to freedom of conscience—suffered by hundreds of Muslim detainees. State authorities hold them in incommunicado detention and deny them access to counsel. Police torture is a standard feature of Uzbekistan's criminal justice system; those arrested in the crackdown have been tortured by police or security agents to coerce confessions or to incriminate those with whom they have prayed or studied Koran. In the past two years alone, at least fifteen people have died in custody due to torture. Judges use coerced testimony in patently unfair trials to convict independent Muslims on charges of distributing religious literature, membership in illegal religious organizations, or "anti constitutional activity." Independent Muslims who pray in prison are punished with beatings and solitary confinement.

Under a publicly announced policy, families are held accountable for the actions of relatives suspected of illegal religious activity; consequently, they are often detained, held as hostages, threatened with torture, or are themselves tortured. Local governments mobilize their communities in "hate rallies," reminiscent of the Stalin era, to intimidate and ostracize those suspected of affiliation with independent Muslims.

Last summer's armed clashes between the Islamic Movement of Uzbekistan and the Uzbek and Kyrgyz military brought closer international attention to the region's security problems. But international institutions largely failed to take into account the human rights crisis as a factor that further endangers the security of Uzbekistan and other countries in the region.

Because the government does not tolerate free media of any kind, genuine opposition political parties, or most independent human rights organizations, accountability for these massive violations and hope for improvements, however incremental, rest solely with the international community. Human Rights Watch commends the interest in Uzbekistan shown by the High Commissioner's office, manifested in part by requests from two special mechanisms for invitations from the government of Uzbekistan for visits. Broader Commission engagement would hold the promise of more comprehensive and concerted effort toward improvements in a disastrous situation.

UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/2001/NGO/30
16 January 2001

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Fifty-seventh session
Item 10 of the provisional agenda

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Written statement*/ submitted by Human Rights Watch,
a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[5 January 2001]

*/ This written statement is issued, unedited, as received from the submitting non-governmental organization(s).

GE.*200*0*0305*

ENG

Rwanda

Since late 1996, the Rwandan government has ordered tens of thousands of persons to leave their homes and take up residence in officially-designated "villages" known as *imidugudu*. In some cases homeowners have been obliged to destroy their own homes before moving to the *imidugudu*; in others landholders have been obliged to cede their fields to serve as building sites. Persons unwilling to move and those critical of the policy have been subject to harassment, imprisonment, and fines by government officials.

Established without any form of popular consultation or act of law, this policy of rural resettlement decreed a drastic change in the way of life of approximately 94 per cent of the population who had previously lived in dispersed homesteads, near the fields they cultivated and where they pastured their livestock. Households headed by women, children, and the elderly appear to have suffered most from this policy because they are least able to provide the resources needed to build new houses in the *imidugudu*. Thousands of persons who once lived in solid homes surrounded by their fields now live in temporary shelters made of leaves, wood, and bits of plastic. Many of them have to walk further each day to get to their fields, to fetch water or firewood, or to go to school.

The Special Representative of the High Commissioner, Mr. Michel Moussalli, drew attention to the controversial nature of this rural resettlement policy in his February 2000 report. He described having visited a resettlement site where twenty families complained that they had been forced to destroy their houses and move against their will.

The government originally envisioned rural resettlement as part of a larger economic development policy to concentrate landholding in the hands of a smaller part of the population. Under this plan, many former landholders would become salaried laborers on the land of others or would work in some other occupation.

When hundreds of thousands of refugees returned to Rwanda in late 1996 and early 1997, the government linked rural resettlement to the housing crisis precipitated by their return. Officials often mentioned the Arusha Accord on the return of refugees as justification for rural resettlement when in fact the relevant provisions of the Accord refer only to resettlement of returned refugees in *imidugudu* and say nothing about enforcing this living pattern on other Rwandans.

Following an insurgency in northwestern Rwanda in 1997-1998, the government implemented rural resettlement in that region, justifying it in part on the grounds of "national security." A similar justification has since been used in other parts of Rwanda where insurgents never threatened the population. Even in 1997-1998 in the northwest, such a justification had little merit and any semblance of need for such measures in the interest of national security has long

since ended. The Rwandan government itself has repeatedly stressed the complete security which now prevails in the country. Any restriction of freedom to choose one's residence because of national security is permissible only for the duration of the crisis and so is necessarily temporary, but the Rwandan government has stated clearly that relocation to *imidugudu* is meant to be permanent.

Speaking of the right to housing as specified in the ICESCR, the Committee on Economic, Social, and Cultural Rights held that "instances of forced eviction are prima facie incompatible with the requirements of the Covenant and can only be justified in the most exceptional circumstances, and in accordance with international law."[1] According to article 12 of the ICCPR, the state may interfere with the freedom of movement and choice of housing only on the grounds of "national security, public order (ordre public), public health or morals or the rights and freedoms of others." None of these justifications is relevant in this case.

A state may restrict the right to freedom of movement and of choice of residence, but only as provided by law.[2] The requirement that all rural-dwellers live in *imidugudu* resulted from a simple decision by the Council of Ministers and was implemented by ministerial instructions. It was never formalized in law or examined as required by the Constitutional Court.

In addition, the Arusha Accords guaranteed refugees who returned to Rwanda the right to settle in a place of their choice, provided they did not violate the rights of others. By compelling those who would prefer to live elsewhere to live in *imidugudu*, the government violates its own law as provided in protocol V, article 2, of the Accords.

Tens of thousands, perhaps hundreds of thousands, of homeless persons moved voluntarily to *imidugudu* in order to benefit from houses which have been built or housing materials that have been provided for them there. But satisfying their needs did not require dispossessing tens of thousands of others from their homes nor does it excuse the violation of the rights of those forced to move against their will.

---

[1]United Nations, Committee on Economic, Social and Cultural Rights, General Comment No. 4 (1991) of the Committee on Economic, Social and Cultural Rights on the right to adequate housing (art. 11 (1) of the Covenant), December 12, 1991, paragraph 18.

[2]ICCPR, Article 12 (3).

In his February 2000 report, the Special Representative noted that a presidential adviser had assured him that "no Rwandans will be forced into villages against their will" and he expressed the hope that this would become formal government policy. The rate of movement into *imidugudu* has certainly slowed, in part because the international assistance that paid for housing in many new settlements also diminished. But residents of some areas are still being made to move against their will and those forced to move in the past and now living in *imidugudu* continue to suffer from the violation of their rights.

The Commission should deplore the violations of the right to choice of housing that have resulted from the Rwandan rural resettlement policy. It should urge the Rwandan government to halt forced removals of homeowners and to allow those who wish to return to their previous dwellings to do so. It should request the Special Representative to examine once again the questions he raised in his February 2000 report and to inform the Commission of the results of his inquiry.

UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/2001/NGO/31
18 January 2001

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Fifty-seventh session
Item 11 of the provisional agenda

CIVIL AND POLITICAL RIGHTS

Written statement*/ submitted by Human Rights Watch,
a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[5 January 2001]

*/ This written statement is issued, unedited, as received from the submitting non-governmental organization(s).

GE. * 2 0 0 1 0 0 3 4 4 *

ENG

Throughout the world, severe violations of civil and political rights have continued during 2000. We want to highlight for the Commission just a few situations and underscore the urgent need for ending the cycle of impunity for these violations.

Algeria

In Algeria, no progress has been achieved in locating or determining the fate of the thousands of Algerians who "disappeared" after being abducted by the security forces since 1992. Despite President Bouteflika's welcome acknowledgement of the problem, government officials have disclosed little beyond often-conflicting statistics that downplay the scope of the problem and attempt to portray the "disappeared" as persons who, for the most part, joined or were abducted by armed groups.

Organizations composed of families of the "disappeared" have documented well over 4,000 cases where there is evidence of security-force involvement; some human rights lawyers believe the actual number of cases exceeds 10,000, most dating to the period 1993 to 1997.

The documentation work is stymied by the fear many relatives have of coming forward, as well as government restrictions on the organizations involved, including denial of legal recognition and the forcible dispersion of its public rallies on several occasions. Families that have written to various branches of the government and security forces have, almost without exception, received no credible information in response. Meanwhile, the government has furnished specific information to U.N. bodies on many "disappearance" cases that was both factually questionable and never provided to the families themselves.

Chechnya

The 56th Commission adopted a resolution that called upon the Russian government to establish "a national, broad-based and independent commission of inquiry to investigate promptly alleged violations of human rights and breaches of international humanitarian law committed in the Republic of Chechnya in order to establish the truth and identify those responsible, with a view to bringing them to justice and preventing impunity." It also called for OSCE deployment and for visits to the region by relevant U.N. special mechanisms.

Over the past year, Russia has persistently resisted implementation. While the Council of Europe has three staff in the region, the OSCE is blocked. None of the Commission's special mechanisms has been invited to visit the region, and the invitation to the High Commissioner following her visit has never been honored. Most significantly, the government has failed to establish a national commission of inquiry or to pursue any other serious investigation of alleged atrocities committed in Chechnya, including more than 125 summary executions and the arbitrary detention and torture of hundreds. These violations continue; in Chechnya today, civilians no longer hide from bombs, but from men in black masks. Russian troops continue, in the course of their duties, to engage in widespread looting and burning of homes, arbitrary detentions, torture, extortion, and disappearances.

The Russian government has established mechanisms by which victims may report abuses; while welcome, this is no substitute for the accountability demanded by the Commission. The procuracy has undertaken a few investigations, but has neglected the worst crimes, failing to

interview witnesses, exhume bodies, or gather other crucial evidence. Russian authorities clearly have no intention of holding accountable those responsible for these crimes. Therefore, Human Rights Watch calls upon the Commission to establish an international commission of inquiry, mandated to investigate and document atrocities committed by both sides to the conflict in Chechnya.

The Democratic Republic of Congo

The Democratic Republic of Congo (DRC) continues to be wracked by a devastating war, with all sides responsible for abuses against civilians. The mainstream RCD-Goma rebel faction, which is backed by Rwanda, has been responsible for extrajudicial executions often conducted in retaliation for raids by its opponents, who also committed atrocities against civilians. In towns, RCD soldiers routinely arrested and tortured dissidents and civil society leaders. Uganda trained tens of thousands of young Congolese to raise armies for its local allies, the Liberation Movement for the Congo (MLC), and the Congolese Rally for Democracy-Liberation Movement (RCD-ML). Frequent leadership disputes in the RCD-ML exacerbated ethnic tensions and reignited a deadly war in areas under its control between the pastoralist Hema and the agriculturalist Lendu people in which thousands of villagers were killed, and tens of thousands were displaced. Rwandan and Ugandan forces fought particularly destructive battles for the control of Kisangani in mid 2000.

Of the 5,537 peacekeepers the U.N. planned to send to the DRC under a United Nations Observer Mission in the DRC (MONUC) to support a peace agreement the warring parties signed in August 1999, only 224 unarmed military observers were deployed by this writing. The Security Council on December 14 extended MONUC's mandate to June 15, 2001, and called for the strengthening of its human rights' component. We endorse that call, and urge closer cooperation between MONUC and the High Commissioner for Human Rights' Field Office in the DRC.

Roberto Garreton, the U.N. special rapporteur on the DRC, visited the country in August at the invitation of the government, the mainstream RCD-Goma faction, and the MLC. The High Commissioner's Field Office, and its branch office in Goma, played active roles in promoting and protecting human rights in government and rebel areas. We urge the Commission to renew the mandate of the special rapporteur and to provide him, as well as the Field Office, with the necessary resources for meaningful interventions.

We urge the Commission to call on the Security Council to address the urgent question of impunity for atrocities in the DRC. Specifically, the Commission should press for the establishment of a U.N. Commission of Experts to investigate and determine responsibility for grave violations of human rights and humanitarian law in the DRC. This would implement a key 1998 recommendation of the Secretary General's Investigative Team in the DRC (SGIT) but also serve to address and perhaps help halt on-going atrocities. The temporal mandate of the Commission of Experts should thus reach back to 1993 -- to complete the work the SGIT was prevented from doing -- and continue to the present. The Commission of Experts could also recommend to the Security Council an appropriate mechanism to bring to justice persons responsible for violations.

East Timor

There is an urgent need for serious reconsideration of an international criminal tribunal for East Timor. Creation of such a tribunal, recommended by the International Commission of Inquiry on East Timor (ICIET) in its report of January 31, 2000, was put on hold at the request of the Indonesian government while it pursued justice in its own courts. More than one year after the violence, however, Indonesia has done virtually nothing to show that it is serious about prosecuting the most senior culpable military and police officers. As of January 2001, even lower level suspects had not yet been indicted by Indonesian authorities.

The United Nations and its member states have a particular obligation to see that justice is done for the crimes committed in East Timor in 1999. The U.N.'s own investigation documented a pattern of systematic and widespread intimidation and terror, destruction of property, violence against women, forced displacement, and attempts to destroy evidence. U.N. personnel, dependent on Indonesia to provide security, themselves became targets of the violence and helpless witnesses to the crimes. Prosecutors in Dili indicted eleven suspects in 2000, but masterminds of the 1999 violence were not among them and it is unlikely that key suspects will ever be prosecuted in East Timor.

Accordingly, Human Rights Watch urges the Commission to call for creation of an international tribunal and to lay out a timetable for its formation, absent clear progress in Indonesian and East Timorese courts. In his cover letter accompanying release of the international inquiry report in January 2000, U.N. Secretary-General Kofi Annan announced that he would "closely monitor progress" of the response to the crimes in East Timor to see that it is a "credible response in accordance with international human rights principles." Indonesia has fallen far short of this standard and it is time for a more determined, direct international role in ensuring accountability. Otherwise, the credibility of the U.N. system will be seriously compromised.

West Timor

The Commission should also insist that Indonesia comply fully with U.N. Security Council Resolution 1319, calling for "immediate and effective action" to resolve the ongoing crisis in West Timor. It must disarm former militia members in West Timor, punish those responsible for the terror in East Timor last year and for criminal acts committed in West Timor, and provide protection and assistance such that all refugees are able to choose free from coercion whether to return to East Timor or be resettled in Indonesia. Under international pressure, Indonesia has taken some steps to address the crisis, but as of the start of 2001 many refugees continued to be effectively trapped by the same forces responsible for the 1999 carnage in East Timor.

UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/2001/NGO/32
18 January 2001

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Fifty-seventh session
Item 12(a) of the provisional agenda

INTEGRATION OF THE HUMAN RIGHTS OF WOMEN AND THE GENDER PERSPECTIVE: VIOLENCE AGAINST WOMEN

Written statement*/ submitted by Human Rights Watch,
a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[5 January 2001]

*/ This written statement is issued, unedited, as received from the submitting non-governmental organization(s).

GE.*200-0-0348*

ENG

Human Rights Watch is deeply concerned that states have failed to investigate, prosecute and punish cases of so-called "honor killings." Men who murder female family members to restore "family honor" enjoy impunity because states fail to prioritize the investigation and prosecution of these killings. In the rare cases in which the perpetrator is prosecuted and convicted, the perpetrator rarely receives a significant sentence because restoring family honor is considered a mitigating factor. State tolerance of these killings violates women's right to life and security of person.

In September 2000, the United Nations Population Fund (UNFPA) estimated that as many as 5,000 women and girls are murdered each year in "honor killings" by members of their own families. In many countries, communities' place a high value on women's chastity and tie the behavior of women to family "honor." Some of these communities sanction murders in which women are killed by male relatives for bringing "dishonor" upon their families. A family's belief that a woman or girl has dishonored the family can be based on reasons such as marrying someone her family disapproves of, seeking a divorce, being raped, being suspected of committing adultery, or for being the subject of a rumor. The perpetrators of such crimes escape accountability in countries where such violence is treated as an accepted means of controlling women's behavior rather than a serious crime.

Women who are the victims of sexual and domestic violence may be particularly vulnerable to being targeted for "honor killings." Despite the prevalence of both sexual and domestic violence, Human Rights Watch has documented how discriminatory laws against women, biased officials, inefficient collection or analysis of medico-legal evidence and lack of forensic competence, compound the barriers to justice faced by women. Thus women who are victims of sexual violence are discredited and disbelieved. Women who are victims of domestic violence are blamed for the violence and viewed as incompetent wives. Such attitudes in the criminal justice system both place women at risk of further violence from family members and create the excuse used to justify impunity for male perpetrators.

For example, according to the Criminal Code of Pakistan, if a woman reports being raped, her testimony does not carry the same legal weight as that of a man. If she fails to convince the court of the veracity of her claim, she may be prosecuted for adultery or fornication. Under both Jordanian and Pakistani law, women can only prove allegations of rape by meeting excessive requirements of corroborating evidence. Even if a woman can meet these requirements, evidence of previous sexual activity may be admitted in the proceedings and lead to charges that she is "immoral." In both countries, being raped, being deemed immoral or committing adultery are all considered ways of "dishonoring" the family.

In Jordan, an estimated 25 to 30 women are killed every year in the name of family honor. Under the Jordanian Penal Code, "honor" is a mitigating defense in charges of assault and murder, and a man is not liable for prosecution under murder charges if he kills his wife or any close female blood relative in the act of adultery. The Jordanian Lower House has twice failed to abolish legislation revoking Article 340 of the Jordanian Penal Code, although the Upper House had agreed twice to repeal it. Women who are killed in Jordan in the name of honor are denied a funeral and buried in unmarked graves.

It is believed that more than a thousand women and girls are killed each year by family members in Pakistan. Pakistani courts hand down disproportionately light sentences in the rare cases of "honor killings" that are actually prosecuted. Most cases are never brought to trial because police are easily persuaded by the victim's families to dismiss the complaints as "domestic accidents." The laws dealing with serious crimes, known as Qisas (retribution) and Diyat (compensation), conceptualize the crimes of murder and aggravated assault as crimes against the individual rather than the state, thus allowing the heirs of a victim of murder to forgive the murderer. This has exposed many such heirs to familial and societal pressure and intimidation to pardon family members for the murder of female relatives.

Under international human rights law, governments are obligated not only to provide redress to victims of gender-based violence, but also to ensure protection of women from violence. Most states have failed to take the necessary steps to provide redress and have failed to implement measures to protect women from so-called "honor killings." In Jordan, women who are perceived to be at risk of being killed are placed into the protective custody of prisons or corrections facilities for periods ranging from a few months to over three years. Ironically, they are only allowed to leave the facility with the approval of a male guardian who may very well be the person who has determined that she has "dishonored" the family. Women are not permitted to make the choice to leave the corrections facilities, effectively making them prisoners of the state. Thus women are deprived of liberty and suffer a wide range of violations even as the potential perpetrators enjoy complete freedom. In Pakistan, shelters set up by women's rights activists to provide an alternative from the state run version cannot fully guarantee safety. Such shelters have been the targets of harassment and intimidation from various individuals and groups.

At the Beijing + 5 review session held in New York in June (UNGASS 2000), states agreed to develop, adapt and fully implement laws to eradicate harmful customary or traditional practices including "honor crimes" and recognized such crimes as a violation of women's human rights. We, therefore, urge the Commission on Human Rights to adopt a resolution condemning "honor killings" and call on governments to take immediate action to repeal discriminatory laws and end discriminatory practices that result in impunity for violence against women.

UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/2001/NGO/33
18 January 2001

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Fifty-seventh session
Item 13 of the provisional agenda

RIGHTS OF THE CHILD

Written statement*/ submitted by Human Rights Watch,
a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[5 January 2001]

*/ This written statement is issued, unedited, as received from the submitting non-governmental organization(s).

GE.*200'0'0352*

ENG

Violence Against Children

Throughout the world, in developing and industrialized countries alike, children are subject to unconscionable violence. On the streets, in schools, in institutions, the workplace, and elsewhere, life-threatening abuses are often perpetrated against children, often by the very individuals charged with their safety and well-being.

Children are easily victimized because they are young, often small, ignorant of their rights, and frequently do not have adults to whom they can turn for assistance. Particularly vulnerable are those children who are institutionalized, who are from ethnic minorities, or who live on the streets.

Since 1991, Human Rights Watch has published eighteen reports on violence against children by police and state authorities, covering fourteen countries on six continents. At virtually every stage of contact with the law, children may be subject to abuse. Street children are frequently beaten, tortured, sexually assaulted and even killed by police and security forces. They are frequently subject to extortion, and street girls are sometimes forced to provide sex in addition to money to avoid arrest or to be released from police custody. Children are frequently taken into custody with insufficient cause, and then subjected to brutal interrogations and torture, in order to solicit false confessions, information, or simply as a means of intimidation. Once placed in detention, children may be routinely abused physically, subjected to sexual assault, and placed in restraints or isolation for prolonged periods.

Orphanages are home to millions of orphaned and abandoned children around the world. Dependent on the state for care, many of these children are exposed instead to shocking and sometimes deadly levels of abuse and neglect. In 1998, we found that some children in Russian orphanages were restrained in cloth sacks, locked in freezing rooms for days at a time, sexually abused and beaten. Children have been tortured by shoving their heads in a toilet, and running electrical current through metal beds where they have been placed naked. An investigation of Chinese orphanages in 1995 found that children were tied to cribs, beds and chairs, and subjected to such malign neglect that mortality rates in some institutions exceeded 50%. Such institutions are often closed to outside scrutiny and children have no mechanism for reporting abuse.

Even in schools, many children find that violence is a regular part of their experience. Teachers sometimes use caning, slapping, and whipping to maintain classroom discipline and to punish children for poor academic performance. The infliction of corporal punishment is often routine, arbitrary, and brutal. In extreme cases, beatings by teachers have left children permanently disfigured, disabled, or dead. Some countries have taken steps to ban corporal punishment in the schools, but it remains a practice allowed by law in scores of others.

Girls in many countries endure sexual harassment and abuse in educational settings at the hands of teachers and other students. In South Africa, for example, a 1998 study by CIETafrica found that one in three Johannesburg girls experienced sexual violence at school; two-thirds of those subjected to sexual violence did not report the abuse to anyone.

Children who identify as or are perceived to be gay, lesbian, bisexual or transgendered may experience harassment and violence from other students, while school authorities fail to intervene.

In a welcome response to such violence, the Committee on the Rights of the Child agreed to focus two general days of discussion – in 2000 and in 2001 – to the issue of violence against children. Aspects of the issue being examined by the Committee include mistreatment, abuse and neglect of children in the care of the state, violence against children in the context of law and public order concerns, violence suffered by children in schools, and violence within the family.

Although violence against children is rampant, its full extent and impact is still unknown. For this reason, Human Rights Watch strongly endorses the recommendation from the Committee on the Rights of the Child (following its September 2000 general day of discussion on violence against children) that the Secretary-General be requested by the General Assembly to conduct an in-depth study on the issue of violence against children. The Committee noted that such a study should be as thorough and influential as the 1996 Machel Study on the Impact of Armed Conflict on Children.

Human Rights Watch urges the Commission on Human Rights to:

- Recommend that the General Assembly request the Secretary-General to undertake a major international study on violence against children. As recommended by the Committee on the Rights of the Child, such a study should, *inter alia*, explore the different types of violent treatment of which children are victims, identify their causes, the extent of such violence, and its impact on children, and put forward recommendations for action, including effective remedies and preventative and rehabilitative measures.

- Request special rapporteurs and working groups to systematically include violence against children in country and thematic reports.

- Request that the High Commissioner for Human Rights organize a special workshop for all relevant special rapporteurs to examine violence against children and ways in which special rapporteurs can more effectively incorporate this issue into their work.

- Urge all states to vigorously investigate violence against children by state authorities, take effective steps to protect children from such violence, and discipline appropriately those responsible.

The Use of Children as Soldiers:

Important steps were taken in the last year to stop the use of children as soldiers. The conclusion and adoption of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict established, for the first time, a sorely-needed

prohibition on conscription, forced recruitment or participation of children under the age of eighteen in armed conflict, while unfortunately failing to prohibit voluntary recruitment of sixteen and seventeen-year olds. The swift pace of signatures – now seventy-five – promises early entry into force for the new standard.

Despite the new standard, children continue to be used as soldiers in more than thirty countries, world-wide. Countries of particular concern include Colombia, the Democratic Republic of Congo (DRC), Sierra Leone, Sri Lanka, and Uganda. In Colombia, opposition guerilla and paramilitaries often linked to the armed forces maintained more than 5000 children in their ranks. In Sierra Leone, both the Revolutionary United Front (RUF) and pro-government forces continued to forcibly recruit children, including demobilized child soldiers.

In the DRC, child soldiers number over 12,000 by UNICEF's estimates. Although President Kabila has issued a demobilization decree, it is unclear how many children have been demobilized from his forces. Rebel groups fighting the Kabila government, meanwhile, continue to recruit and use child soldiers, often with the full support of foreign backers. Uganda in particular has trained and equipped children as part of the Liberation Movement for the Congo (MLC) and the Congolese Rally for Democracy-Liberation movement (RCD-ML). Many of these children have been trained in Uganda. The mainstream RCD, backed by Rwanda, also is actively recruiting large numbers of children for its forces.

In Sri Lanka, the Liberation Tigers of Tamil Eelam (LTTE) have reportedly forcibly recruited many children in a new recruitment drive, despite commitments made to the Special Representative of the Secretary-General for Children and Armed Conflict not to recruit children under the age of seventeen. In a December gun battle between LTTE and government forces, the majority of guerrilla fighters reportedly killed were children, mostly girls.

In northern Uganda, the Lord's Resistance Army (LRA) escalated attacks against civilians in the last year, including the forced abduction of children. Over the past fourteen years, UNICEF estimates that more than 12,000 children have been abducted by the LRA and frequently forced to commit atrocities against civilians and each other. Despite an October 2000 agreement between the governments of Uganda and Sudan intended to ensure the release and return of the abducted children, very few children have been returned to safety. Thousands are believed to remain in captivity.

Human Rights Watch urges the Commission on Human Rights to:

- Urge all states to sign and ratify without reservations the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict and to stipulate a minimum age of at least eighteen years for voluntary recruitment into the armed forces;

- Urge all states to ratify the Rome Statute for the International Criminal Court;

- Support the announced mission of the Office of the High Commissioner for Human Rights (OHCHR) to northern Uganda to investigate the abduction of children by the LRA, including its effective follow-up, and call upon the government of Sudan to facilitate a visit by the OHCHR to LRA camps in Southern Sudan.

UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/2001/NGO/34
18 January 2001

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Fifty-seventh session
Item 14 of the provisional agenda

SPECIFIC GROUPS AND INDIVIDUALS

Written statement*/ submitted by Human Rights Watch,
a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[5 January 2001]

---

*/ This written statement is issued, unedited, as received from the submitting non-governmental organization(s).

GE. *200101035 6*

ENG

Migrants and migrant workers

Western Europe

Migrants escaping persecution and poverty in their home countries are routinely subjected to discrimination in the administration of justice, employment, education, and health care in Western Europe.

Debates about immigration and asylum policy in Western Europe have been characterized by anti-immigrant political rhetoric and accompanied by a troubling rise in incidents of racist and xenophobic violence targeting migrants and asylum seekers. Undocumented migrants, in particular, suffer grievous abuses as a result of both government policy and neglect. Due to their irregular status and fear of deportation, undocumented migrants rarely seek recourse for acts of violence committed against them, guaranteeing impunity for those responsible for racist violence.

Undocumented migrants awaiting deportation are often held in appalling conditions in special detention centers for foreigners. In Greece, for example, undocumented migrants are held for months—with no certainty when they will be released—in severely overcrowded facilities with inadequate sleeping accommodations, inadequate food, no access to fresh air or exercise, and limited access to health care. Detainees are also subject to physical abuse in the process of deportation. Such conditions—coupled with lengthy periods of detention—can amount to cruel, inhuman, or degrading treatment.

Western European countries routinely deny undocumented migrants and their children access to education and health care or require staff to report to the police when undocumented migrants do seek such services. These laws violate the 1989 Convention on the Rights of the Child and can seriously threaten the right to life and health of migrants requiring hospital care. Migrants with valid documentation often face years of waiting and numerous bureaucratic obstacles before they can be reunited with their families. These policies violate the internationally recognized right to family life.

Due to many countries' "zero immigration" policies—in direct conflict with Western Europe's admitted need for migrant labor—migrants and asylum seekers seeking access to European Union (E.U.) countries often resort to clandestine means of entering, leaving themselves vulnerable to trafficking and smuggling rings. Women migrants, in particular, suffer double discrimination as victims of trafficking, often for forced prostitution. As undocumented migrants they are automatically subject to deportation for entering a country illegally and many suffer physical and sexual violence at the hands of traffickers and their networks. Women migrants who work as domestics in households often endure abusive conditions that include severe isolation, round-the-clock working hours, little or no pay, and verbal and physical abuse, including sexual violence. E.U. governments now view human trafficking and smuggling as two of the most serious aspects of transnational crime. Efforts to curb these practices, however, emphasize controlling migration and keeping people out, rather protecting human rights and upholding the right to seek and enjoy asylum.

Labor rights violations against migrants are common in Western Europe. Migrants with valid work permits often suffer discrimination in employment practices in violation of international and E.U. standards. Undocumented migrants endure dangerous work conditions, low wages, and long hours in labor sectors where nationals refuse to work. They have little recourse to challenge labor law violations as a result of their irregular status, thus employers abuse undocumented migrants with impunity.

Human Rights Watch urges all U.N. member states to ratify without delay the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. Human Rights Watch also urges that the promotion and protection of migrant and refugee rights be a focus of the 2001 U.N. World Conference Against Racism.

Middle East and North Africa

Migrants in the Middle East and North Africa enjoy few internationally recognized workers' rights, particularly in states in the Persian Gulf where large numbers of foreigners are employed. According to the annual report of the International Labour Organization released in May 2000, Oman, Saudi Arabia, and the United Arab Emirates are among the few countries in the world that explicitly prohibit any kind of labor organizing, while Bahrain and Qatar allow only committees or councils "whose freedom of action is tightly constrained and which therefore do not have attributes of independent workers' organizations."

In Saudi Arabia, about 69 percent of the workforce of 7.2 million is composed of foreigners, including 1.2 million Egyptians and 1.2 million Indians. Undocumented workers include those who remain after the expiration of work visas or after entering the Kingdom to perform the haj or umra. Migrants have long been subjected to restrictions such as the surrender of passports to Saudi sponsors, limitations on freedom of movement, prohibitions on trade union organizing, and lack of access to legal representation in cases of arrest. Following the beheading of an Indonesian domestic worker, Warni Samiran Audi, on June 19, 2000, without officially informing the Indonesian embassy, nongovernmental organizations in Indonesia pressed the government for a three month hiatus in sending women workers to Saudi Arabia. In August 2000, twenty-two groups demonstrated at the Manpower Ministry in Jakarta, demanding that the government educate women about their rights prior to their leaving the country, and reach an agreement with Saudi authorities that would guarantee protection for the workers against abuse and the availability of legal remedies.

In the United Arab Emirates (UAE), foreigners comprise about 70 percent of the population of 2.76 million and 90 percent of the labor force. Workers do not have the right to organize trade unions, to strike, or to bargain collectively, and face deportation if they carry out such activities. Domestic and agricultural workers are excluded from protection under the labor law, and there are continuing reports of physical abuse of women domestics and withholding of their wages. Migrant workers also face corporal and capital punishment following unfair trials. UAE Labor and Social Affairs Minister Humaid al-Tayer announced in September 2000 that employment visas would be issued "only to those who possess at least secondary education." The new measure is expected to affect adversely mainly South Asians, who comprised the largest number of unskilled workers in the Emirates.

In Kuwait, over one million foreign workers have little legal protection against abusive practices of employers, and women domestic workers are excluded from the labor law, increasing their vulnerability to physical and sexual abuse. In March 2000, the Indian government stopped issuing immigration clearances for domestic workers in Kuwait due to reported abuses.

Protection of refugees and asylum seekers in Western Europe

Fifty years after the establishment of the Office of the United Nations High Commissioner for Refugees (UNHCR) and the 1951 Convention Relating to the Status of Refugees (Refugee Convention), those western states primarily responsible for setting up the international refugee protection regime are now trying to dismantle it. Governments in Western Europe have led the charge to weaken international refugee protection, erecting a barrage of barriers that obstruct the right to seek and enjoy asylum and diminish the quality of protection for those who do reach Western Europe. The harmonization of E.U. asylum and immigration policy over the past ten to fifteen years has resulted in a lowering of refugee protection towards the lowest common denominator, with diminishing regard for the human rights of refugees and asylum seekers.

Through a series of restrictive policies, including visa requirements for nationals of common refugee-producing countries; carrier sanctions imposing heavy fines on airlines and other transport companies who transport undocumented asylum seekers and migrants; and the posting of immigration officers to assist airlines in pre-departure checks in refugee-producing countries, E.U. governments have systematically obstructed the right of any individual to leave their country freely and seek asylum.

Western European governments have also sought to shift responsibility for asylum seekers onto third countries through so-called "safe third country" policies, whereby any E.U. state can refuse to consider the asylum application of an individual who has transited through a presumed "safe" country en route to their country of destination. Governments have signed readmission agreements with common transit countries in order to return asylum seekers. In a further retraction on their protection obligations for refugees, E.U. governments have given only cursory consideration to asylum applicants from nationals of countries whom they consider to be "safe" – this includes all E.U. member states as well as a number of other countries with well-documented human rights problems. The so-called "safe country of origin" policies severely compromise the protection of refugees. Without a substantial review of their applications, asylum seekers could be returned to countries where their life and freedom is threatened in violation of the fundamental principle of *non-refoulement*.

Finally, Western European governments have weakened their obligations under the 1951 Refugee Convention through overly restrictive interpretations of the refugee definition that have excluded many people in need of refugee protection; by the substitution of full refugee convention protection with subsidiary forms of protection; and most recently with proposals by several governments, including Austria and the United Kingdom, to revise the Convention in order to make it "more relevant" to modern day migration challenges.

Human Rights Watch calls on the Commission to urge member states to use the opportunity of the fiftieth anniversary of UNHCR and the 1951 Refugee Convention to reaffirm their commitment to protecting refugees and upholding their obligations under the Refugee Convention and to reverse the negative trends in refugee protection of the past years.

UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/2001/NGO/35
18 January 2001

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Fifty-seventh session
Item 17(a)(b) of the provisional agenda

PROMOTION AND PROTECTION OF HUMAN RIGHTS: STATUS OF THE INTERNATIONAL COVENANTS ON HUMAN RIGHTS HUMAN RIGHTS DEFENDERS

Written statement*/ submitted by Human Rights Watch,
a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[5 January 2001]

*/ This written statement is issued, unedited, as received from the submitting non-governmental organization(s).

GE. *0010360*

ENG

China

In October 1997, China signed the International Covenant on Economic, Social and Cultural Rights (ICESCR); a year later it signed the International Covenant on Civil and Political Rights (ICCPR). Human Rights Watch welcomed these positive steps and urged prompt action to ratify and fully implement the treaties. However, in October 2000, members of the Standing Committee of the National People's Congress (NPC), postponed ratification of the ICESCR until "every article... is in harmony with China's real situation and relevant laws and regulations." The ICCPR has yet to be submitted to the NPC for consideration.

In the years since China signed the covenants, Human Rights Watch has documented serious violations of human rights, raising questions about the Chinese government's willingness to adhere to basic international standards. Throughout 2000, the Chinese government suppressed efforts to form independent trade unions or to strike for better working conditions. It also suppressed those trying to express their political opinions via the Internet and other media, to worship outside officially sanctioned religious congregations, to form an opposition political party, or to meet with others to meditate and exercise. Government officials continue to interfere in the judicial process. Thousands of Chinese citizens were arbitrarily held for as long as three years in reeducation through labor camps. Human Rights Watch continued to receive reports of torture and prison deaths in Tibet and Xinjiang and increasing numbers of executions in Xinjiang.

Freedom of expression via the Internet has been threatened by new regulations banning all information that promulgates heretical ideas, goes against the constitution, endangered state security or threatens national unity. Additional bans limited the use of news from other than official sources.

Freedom of religion remained restricted. In November and December 2000, hundreds of non-state-controlled religious sites in Zhejiang Province were destroyed or converted to secular uses. Worshipers in several provinces who refused to join official churches were in custody. New regulations tightened limits on proselytizing, and the official campaign, begun in July 1999, against the quasi-religious Falun Gong, continued and intensified last year. In Tibet, the government controlled selection of Buddhist religious leaders and closed monasteries and nunneries at will.

Human Rights Watch calls on China to invite the appropriate U.N. Special Rapporteurs and Working Groups to visit. In particular there is an urgent need for visits by the Special Rapporteur on Torture under conditions that apply to all member States, a return visit by the Special Rapporteur on Religious Intolerance, and visits by the Special Rapporteurs on the promotion and protection of the right to freedom of opinion and expression and the independence of judges and lawyers.

In many countries of the Middle East and North Africa, human rights defenders find it difficult if not impossible to carry out their work. Among those states presently members of the Commission, Saudi Arabia, Syria, and Libya do not allow their citizens to monitor or report publicly on human rights conditions.

Elsewhere in the region, Tunisian human rights defenders have confronted a particularly grave situation. The government continues to refuse to register the National Council on Liberties in Tunisia (Conseil Nationale des Libertes Tunisienne, CNLT) as a legal organization. Dr. Moncef Marzouki, the CNLT spokesperson, was dismissed by the Ministry of Health from his post as professor of medicine at the University of Sousse in late July, in apparent retaliation for meetings with government officials and journalists in Europe and the United States. In early October, Dr. Marzouki attended a meeting in Rabat, Morocco, of the Arab Working Groups on Human Rights. He was later questioned by an investigating judge on charges that his remarks to the group violated laws against "spreading false information" and "defaming public order." On December 30, a Tunis court sentenced Dr. Marzouki to one year in prison on charges of maintaining an unauthorized organization--the CNLT--and spreading false news with the intent of disturbing public order.

Nejib Hosni, a prominent Tunisian human rights lawyer and member of the CNLT board of directors, has faced intense government harassment and persecution since July 25, when he issued a public statement criticizing the government's myriad restrictions on basic civil liberties. Hosni had earlier spent two-and-a-half years in prison on trumped up charges, and was released in late 1996. Since then the government has arbitrarily cut his office and home telephone and fax, and his passport has been confiscated. He has been prevented from resuming his legal practice despite the fact that the Tunisian Bar Association, the sole competent institution in this matter, has insisted that he never should have been suspended. On that basis--that he had not been suspended by the competent authority--he joined other lawyers in entering a plea before a court on November 24 in the case of several political detainees on a hunger strike. On December 18 the District court of Kef sentenced him to fifteen days in prison for "noncompliance with a judicial order" by asserting his right to practice his profession. On December 21, Hosni was arrested at his home and beaten by the arresting officers.

The government's campaign of harassment and intimidation extended to the Tunisian Human Rights League (Ligue Tunisienne des droits de l'homme, LTDH), the oldest nonpartisan and independent human rights organization in the Arab world. After years of keeping a low profile as a result of government pressure, the League held a congress in late October at which it elected a new 25-member board made up of respected rights defenders. Subsequently, four members close to the authorities filed a complaint charging election irregularities. Following a smear campaign against the new leadership in the government-controlled media, a judge issued an interim order freezing all League activities, which led to a police closure of the League's headquarters. The

closure remains in effect as of this writing, while court hearings on the election complaint are scheduled for January 9 and 15.

In Egypt the government was aggressive in its efforts to control and discredit organizations dedicated to monitoring and defending human rights. Activists preparing to monitor elections to the People's Assembly came under especially sharp attack. On the night of June 30, State Security Intelligence (SSI) officials arrested Sa'adeddin Ibrahim, director of the Ibn Khaldun Center for Development Studies. The SSI raided his home and the Ibn Khaldun Center and confiscated documents, computers and other belongings. The authorities also arrested the l Center's chief accountant, Nadia 'Abd al-Nur, and her assistant. Ibrahim and 'Abd al-Nur were held in preventive detention until August 10. The prosecution accused Ibrahim of receiving foreign funding without permission, forgery of election documents, fraud, and dissemination of false information damaging to Egypt's interests. At least fourteen others were also interrogated in connection with the case, several of whom were detained for weeks. In early July authorities detained and interrogated staff of the Women Voters' Support Center, an NGO cooperating with the Ibn Khaldun Center on educational programs for voters, and Warda 'Ali Bahi and Magda al-Bey were held in preventive detention for six days and one month respectively. On September 24, in the wake of an announcement by Ibrahim that he intended to proceed with election monitoring, the prosecutor general formally referred the case to the Supreme State Security Court, naming twenty-eight defendants of whom ten were said to be at large and would be tried in absentia. As of mid-December, both the Ibn Khaldun Center and the Women Voters' Support Center remained closed, and Sa'adeddin Ibrahim's trial was scheduled to resume in mid-January.

Bahrain is among the countries in the region that do not allow monitoring and reporting on human rights issues. There were no indications that the Human Rights Committee of the government-appointed Shura Council was active in promoting or defending human rights or challenging long-standing government abuses. On October 28, the government denied the August 8 written request of eighteen Bahraini citizens for permission to set up an independent human rights committee.